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99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-700

ORIGINAL

BILL NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986

H.R. 3622

REPORT

OF THE

COMMITTEE ON ARMED SERVICES
U.S. HOUSE OF REPRESENTATIVES

ON

H.R. 4370

[Including cost estimate of the Congressional Budget Office]

JULY 21, 1986.—Committed to the Committee on the Whole House on the State of the Union and ordered to be printed

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Mr. NICHOLS, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H.R. 4370]

[Including cost estimate of the Congressional Budget Office]

The Committee on Armed Services to whom was referred the bill (H.R. 4370) to amend title 10, United States Code, to reorganize the Department of Defense, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bill Nichols Department of Defense Reorganization Act of 1986".

TITLE I—COMBATANT COMMANDS

SEC. 101. ENHANCEMENT OF AUTHORITY OF COMMANDERS OF UNIFIED AND SPECIFIED COMBATANT COMMANDS.

(a) REVISION AND EXTENSION OF COMBATANT COMMAND AUTHORITY.—(1) Title 10, United States Code, is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—COMBATANT COMMANDS

"161. Establishment.
"162. Forces assigned to combatant commands.
"163. Functions and supervision.
"164. Administration and support of assigned forces.
"165. Unified and specified commands: program and budget proposals; net assessments.
"166. Combatant command subordinate commanders and CINC staff officers: selection and tenure.
"167. Joint Commanders Council.

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"§ 161. Establishment

"(a) UNIFIED AND SPECIFIED COMMANDS.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

"(1) establish unified combatant commands and specified combatant commands to perform military missions; and

"(2) prescribe the force structure of those commands.

"(b) SPECIAL COMBATANT COMMANDS.—(1) If the President determines that a situation warrants the creation for a specific military mission of a force outside the existing unified and specified commands, the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff and acting through the Secretary of Defense, may—

"(A) establish a special combatant command to respond to that situation; and

"(B) prescribe the mission, force structure, and support and administrative arrangements of that command.

"(2) In the case of any such special combatant command, the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff and acting through the Secretary of Defense, shall prescribe the chain of command from the President and Secretary of Defense to the commander of that command. Such chain of command shall be the shortest practicable for each force deployed consistent with proper supervision and support.

"(c) PERIODIC REVIEW.—(1) The Chairman shall periodically (and not less often than every other year)—

"(A) review the overall structure of the unified and specified combatant commands (including the relationship among their respective functions, missions, areas of responsibility, and chains of command); and

"(B) recommend to the President, through the Secretary of Defense, any changes that the Chairman considers necessary or appropriate.

"(2) The President shall promptly inform Congress of any action taken in response to recommendations made by the Chairman under paragraph (1)(B).

"§ 162. Forces assigned to combatant commands

"(a) ASSIGNMENT OF FORCES.—(1)(A) Except as provided in paragraph (2), the Secretaries of the military departments shall assign all forces under their jurisdiction to unified and specified combatant commands to perform the missions assigned to those commands. Such assignments shall be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned.

"(B) As directed by the Secretary of Defense, the commanders of the unified and specified combatant commands and the Secretaries of the military departments shall assign forces under their jurisdiction to any special combatant command established under this chapter to perform the missions assigned to that command.

"(2) Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretaries of the military departments to the combatant commands under paragraph (1) do not include forces assigned to the recruiting, organizing, training, or supplying of the armed forces.

"(3) A force assigned to a combatant command under this section may be transferred from the command to which it is assigned only by authority of the Secretary of Defense and under procedures prescribed by the Secretary with the approval of the President.

"(4) A force not assigned to a combatant command remains, for all purposes, in the military department concerned.

"(5) Unless otherwise directed by the Secretary of Defense, all forces operating within the geographic area assigned to the commander of a unified command shall be assigned to and under the command of the commander of that command. The preceding sentence applies to forces assigned to a specified command or a special combatant command only as prescribed by the Secretary of Defense.

"(b) COMMAND OF ASSIGNED FORCES.—(1) Notwithstanding any other provision of law, a force assigned to a combatant command under this section is under the command of the commander of that command. In this section, the term 'command' means the authority to give authoritative direction to subordinate forces necessary to accomplish assigned missions.

"(2) The Secretary of Defense shall ensure that commanders of combatant commands have sufficient authority over the forces assigned to their commands to exercise effective command over those forces.

"(3) If a commander of a combatant command at any time considers his authority over any of the forces assigned to that command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.

"(c) ORGANIZATION, TRAINING, AND EMPLOYMENT OF ASSIGNED FORCES.—(1) The commander of each combatant command shall prescribe the chain of command and organizational structure of forces assigned to that command. To the extent practicable, the structure established should be the structure that would be used in the event of war or hostilities.

"(2) The commander of a combatant command shall have authority—

"(A) to train forces assigned to that command; and

"(B) to employ those forces to accomplish assigned missions.

"§ 163. Functions and supervision

"(a) FUNCTIONS.—Commanders of combatant commands established under this chapter are responsible to the President and to the Secretary of Defense for such missions as may be assigned to them by the Secretary with the approval of the President.

"(b) SUPERVISION BY JCS CHAIRMAN.—Subject to the authority, direction, and control of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff supervises the commanders of the combatant commands and is their spokesman at the seat of Government.

"§ 164. Administration and support of assigned forces

"(a) ADMINISTRATION.—Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of each military department is responsible for the administration of forces assigned by that department to combatant commands.

"(b) SUPPORT.—Unless otherwise directed by the Secretary of Defense, the Secretary of each military department is responsible for the support of forces assigned by that department to combatant commands. The Secretary of Defense may assign the responsibility for the support of forces assigned to a combatant command (or any part of that responsibility) to—

"(1) one or more of the military departments;

"(2) other agencies of the Department of Defense; or

"(3) the commander of the combatant command concerned.

"(c) REQUESTS BY CINCS TO PROVIDE OWN SUPPORT.—(1) If a commander of a combatant command decides that performance of a support function (or any part of such a function) by elements of that command would improve the capability of the command to carry out assigned missions or would otherwise be more effective, economical, or efficient, the commander may submit to the Secretary of Defense a proposal for the transfer of that function (or any part of that function) to the command.

"(2) Parts of a support function with respect to which a commander may submit a proposal under this subsection include the authority, with respect to that function, to establish requirements and to plan and direct distribution.

"(d) ADVICE OF CHAIRMAN.—The functions of the Secretary under this section shall be carried out with the advice and assistance of the Chairman of the Joint Chiefs of Staff.

"§ 165. Unified and specified commands: program and budget proposals; net assessments

"(a) COMBATANT COMMAND BUDGETS.—The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for such activities of each of the unified and specified combatant commands as may be determined under subsection (b).

"(b) CONTENT OF PROPOSALS.—A budget proposal under subsection (a) for funding of activities of a combatant command shall include funding proposals for such activities of the combatant command as the Secretary (after consultation with the Chairman of the Joint Chiefs of Staff) determines to be appropriate for inclusion. Activities of a combatant command for which funding may be requested in such a proposal include the following:

"(1) Joint exercises.

"(2) Force training.

"(3) Contingencies.

"(4) Selected operations.

"(c) SUBMISSION BY CINCS.—The commander of each unified or specified combatant command shall submit to the Chairman an annual program and budget proposal for that command for consideration for inclusion under subsection (a) in the next budget of the Department of Defense.

"(d) SUBMISSION OF BUDGET PROPOSALS BY CHAIRMAN.—The Chairman shall—

"(1) review and analyze the combatant command budget proposals submitted under subsection (c);

"(2) establish priorities in accordance with guidance provided by the Secretary; and

"(3) recommend to the Secretary for the purposes of subsection (a) a budget proposal for each command.

"(e) SECRETARY OF DEFENSE GUIDANCE.—Budget proposals under subsections (c) and (d) shall be prepared in accordance with, and subject to, guidance furnished by the Secretary of Defense, including guidance with respect to anticipated budget limitations.

"(f) NET ASSESSMENTS.—(1) In accordance with guidelines established by the Secretary of Defense, the findings, conclusions, and recommendations of any net assessment conducted by an organization of the Department of Defense shall be made available to the commanders of the unified and specified combatant commands.

"(2) The Chairman of the Joint Chiefs of Staff shall establish procedures by which—

"(A) each commander of a combatant command may require the Joint Staff to assist the commander with respect to net assessments relating to the commander's duties; and

"(B) each commander shall contribute to the preparation, conduct, and findings of net assessments performed by the Joint Staff.

"(3) The Secretary of Defense shall establish procedures by which a commander of a combatant command may require organizations of the Department of Defense that perform net assessments (in addition to the Joint Staff) to assist the commander with respect to net assessments relating to the commander's duties.

"(4) The commander of a unified or specified combatant command shall include the results of any current net assessment conducted by or on behalf of his command—

"(A) in preparing any evaluation of the capabilities of his command for submission to the Secretary or the Chairman; and

"(B) in developing operations plans for the command.

"§ 166. Combatant command subordinate commanders and CINC staff officers: selection and tenure

"(a) SELECTION.—

"(1) SENIOR GENERAL AND FLAG OFFICERS.—The selection of a general or flag officer for recommendation to the President for nomination to an assignment as a principal subordinate officer of the commander of a unified or specified combatant command, or to the staff of such a commander, in a position of importance and responsibility designated by the President under section 601 of this title shall be made by the commander of that command in accordance with procedures prescribed by the Secretary of Defense. Such procedures shall provide for the selection to be made from a list of officers submitted to the commander by the Secretary of the military department concerned and that the commander may specify the number of officers to be included on such a list.

"(2) OTHER OFFICERS.—Except as provided under paragraph (1), the selection of an officer to an assignment as a principal subordinate officer of the commander of a unified or specified combatant command, or to the staff of such a commander, shall be made by that commander. Such selection shall be made from a list of officers submitted to the commander by the Secretary of the military department concerned. The commander may specify the number of officers to be included on such a list.

"(b) TENURE.—The tenure of an officer assigned to a combatant command under subsection (a) is subject to the approval of the commander of the combatant command.

"§ 167. Joint Commanders Council

"(a) ESTABLISHMENT.—There is hereby established in the Department of Defense a council to be known as the 'Joint Commanders Council'. The Council consists of—

"(1) the Chairman of the Joint Chiefs of Staff, who is the head of the Council; and

"(2) the commanders of the unified and specified combatant commands.

"(b) FUNCTIONS.—The Council, as a body, shall—

"(1) provide advice to the President and Secretary of Defense on matters with respect to which such advice is requested; and

"(2) advise the Chairman, as requested by him, on the execution of the Chairman's responsibilities.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended by inserting after the item relating to chapter 5 the following new item:

"6. Combatant Commands ..... 161".

(b) COURT-MARTIAL JURISDICTION.—Section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraphs (2) and (3):

"(2) the Secretary of Defense;

"(3) the commanding officer of a unified or specified combatant command;".

(c) OPERATIONAL AUTHORITY OVER FORCES.—Section 5012 of such title is amended—

(1) by striking out "is generally" and all that follows in the third sentence of subsection (a) and inserting in lieu thereof ", in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war."; and

(2) by striking out subsection (d).

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF SECTION 124.—(A) Section 124 of such title is repealed.

(B) The table of sections at the beginning of chapter 3 of such title is amended by striking out the item relating to section 124.

(2) COMMAND AUTHORITY OF CINCS.—Sections 3034(d)(4), 5081(c), 5201(d), and 8034(d)(4) of such title are amended by striking out "full operational command vested in unified or specified combatant commanders under section 124 of this title" and inserting in lieu thereof "command authority vested in the commanders of unified and specified combatant commands under chapter 6 of this title".

SEC. 102. FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.

(a) IN GENERAL.—Section 141(c) of title 10, United States Code, is amended—

(1) by striking out the matter preceding clause (1) and inserting in lieu thereof the following:

"(c) Subject to the authority and direction of the President and the Secretary of Defense, the Chairman (in consultation, as appropriate, with the other members of the Joint Chiefs of Staff and with the commanders of the unified and specified commands) shall—";

(2) by striking out "and" at the end of paragraph (7);

(3) by redesignating paragraph (8) as paragraph (15); and

(4) by inserting after paragraph (7) the following new paragraphs:

"(8) submit to the Secretary recommendations for the allocation of defense resources under the proposed national defense budget for each fiscal year, to be developed within anticipated limits on funding levels available for defense functions and based on—

"(A) guidance provided by the Secretary;

"(B) recommendations submitted by the commanders of the unified and specified combatant commands based on the requirements of their assigned missions; and

"(C) recommendations (as appropriate) submitted by the Secretaries of the military departments and the heads of other components of the Department of Defense;

"(9) review the program objectives and budget proposals of the Secretary of each military department and of those defense agencies with a combat support mission and recommend to the Secretary changes in such proposals in accordance with the Chairman's recommendations under clause (8);

"(10) in accordance with section 165(d) of this title, recommend to the Secretary a budget for each unified and specified combatant command, including the functions of each such command for which funds should be appropriated to the command;

"(11) establish and maintain, in consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the overall capabilities of each such command to accomplish its missions;

"(12) monitor the extent to which each military department provides officers for joint duty assignments and report to the Secretary of Defense when any department provides substantially fewer than one-third of the positions on the Joint Staff and one-third of the total number of joint duty assignments;

"(13) develop doctrine for the joint employment of the armed forces;

"(14) perform net assessments to determine the capabilities of the armed forces to carry out military operations under unified command; and".

(b) CONSULTATION.—Section 141 of such title is further amended by adding at the end the following new subsection:

"(e) In carrying out his functions under this chapter or any other provision of law, the Chairman shall consult, as appropriate, with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified commands.".

(c) JOINT STAFF NET ASSESSMENT CAPABILITY.—Section 143 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Chairman shall ensure that the Joint Staff is organized and staffed so as to provide the Chairman the necessary staff expertise to enable him to carry out section 141(a)(14) of this title.".

SEC. 103. TRANSFERS OF STAFF PERSONNEL.

(a) TRANSFERS OF STAFFS TO CINC HEADQUARTERS.—The Secretary of Defense shall provide that personnel assigned to the headquarters staffs of the military departments and of the separate Armed Forces and personnel assigned to the staffs of the commanders of subordinate forces of the unified and specified commands shall, to the maximum extent practicable, be transferred to the staffs of the commanders of the unified and specified commands to reflect transfers of functions provided for or authorized by this Act. Such transfers shall be carried out as expeditiously as possible.

(b) LIMITATION ON TOTAL STAFF SIZE.—The total size of the headquarters staffs of the commanders of the unified and specified commands, the military departments, the separate Armed Forces, and the commanders of subordinate forces of the unified and specified commands may not be greater after any such transfer of functions than it was before such transfer.

SEC. 104. INITIAL REVIEW OF UNIFIED COMMAND PLAN.

(a) MATTERS TO BE CONSIDERED—The first review of the structure of the unified and specified commands under section 161(c) of title 10, United States Code, as added by section 101, shall include consideration of the following:

(1) Creation of a unified strategic command combining the missions, functions, and forces of the Strategic Air Command, the strategic forces of the Navy, and other appropriate forces.

(2) Creation of a unified command for special operations missions.

(3) Revision of the geographic area that is the responsibility of the Central Command, to include the ocean areas adjacent to Southwest Asia.

(4) Revision of the geographic area that is the responsibility of the Southern Command to include the ocean areas adjacent to Central America.

(5) Revision of the missions, functions, and responsibilities of the Readiness Command and of the Central Command.

(6) Elimination of the United States Forces Caribbean Command.

(b) DEADLINE.—The first report to the President under such section shall be made not later than one year after the date of the enactment of this Act.

SEC. 105. REPEAL OF CERTAIN LIMITATIONS ON DEFENSE MANAGEMENT.

(a) PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS.—Section 1110 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 747), is repealed.

(b) PROHIBITION AGAINST ALTERING COMMAND STRUCTURE FOR MILITARY FORCES IN ALASKA.—Section 8106 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1221)), is repealed.

SEC. 106. TRANSITION.

(a) GENERAL RULE.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) ASSIGNMENT OF FORCES TO COMBATANT COMMANDS.—Section 162 of title 10, United States Code, as added by section 101, shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

(c) PROGRAM AND BUDGET PROPOSALS.—Section 165 (other than subsection (f)) of title 10, United States Code, as added by section 101, shall take effect with respect to program and budget proposals for fiscal year 1989.

(d) SELECTION AND TENURE OF SUBORDINATE OFFICERS.—Section 166 of title 10, United States Code, as added by section 101, shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

(e) COMBATANT COMMAND EVALUATION SYSTEM.—The uniform system of evaluating the overall capabilities of each unified and specified combatant command required to be established by paragraph (11) of section 141(c) of title 10, United States Code, as added by section 102(a), shall be established not later than the end of the one-year period beginning on the date of the enactment of this Act.

TITLE II—DEFENSE AGENCIES

SEC. 201. OVERSIGHT REQUIREMENTS WITH RESPECT TO DEFENSE AGENCIES.

(a) IN GENERAL.—(1) Chapter 8 of title 10, United States Code, is amended—

(A) by redesignating section 191 as section 196; and

(B) by inserting after the table of sections the following new sections:

"§ 191. Authority to provide for common performance of supply or service activities

"Whenever the Secretary of Defense determines it will be more effective, economical, or efficient, the Secretary shall provide for the performance of a supply or service activity common to more than one military department by one agency or such other organization as the Secretary considers appropriate.

"§ 192. Defense agencies: oversight by the Secretary of Defense

"(a) PERIODIC REVIEW.—Periodically (and not less often than every two years), the Secretary of Defense shall review the services and supplies provided by the defense agencies to ensure that the provision of those services and supplies by those agencies, rather than by the military departments, is a more effective, economical, or efficient manner of providing those services and supplies consistent with the requirements for combat readiness of the armed forces.

"(b) INFORMATION REQUIRED FOR REVIEW.—(1) In performing the review required by subsection (a), the Secretary shall obtain, as appropriate, the views of—

"(A) the directors of the defense agencies;

"(B) the Chairman of the Joint Chiefs of Staff;

"(C) the Secretaries of the military departments;

"(D) the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Chief of Naval Operations, and the Commandant of the Marine Corps; and

"(E) the commanders of the unified and specified combatant commands.

"(2) Paragraph (1) shall apply to the National Security Agency as determined appropriate by the Secretary. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

"§ 193. Combat support agencies: duties of the Chairman of the Joint Chiefs of Staff

"(a) COMBAT READINESS.—(1) Periodically (and not less often than every two years), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the combat support agencies. Each such report shall include—

"(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

"(B) any recommendations that the Chairman considers appropriate.

"(2) In preparing each such report, the Chairman shall review the plans of each such agency with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any revision of those plans that the Chairman considers appropriate.

"(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall—

"(1) provide for the participation of the combat support agencies in joint training exercises to the extent necessary to ensure that those agencies are capable of performing their support missions with respect to a war or threat to national security; and

"(2) assess the performance in joint training exercises of each such agency and, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any change that the Chairman considers appropriate to improve that performance.

"(c) READINESS REPORTING SYSTEM.—The Chairman shall develop, in consultation with the director of each combat support agency, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each such agency to perform with respect to a war or threat to national security.

"(d) REVIEW OF NATIONAL SECURITY AGENCY.—(1) This section shall apply to the National Security Agency, but only with respect to functions the Agency performs for the Department of Defense.

"(2) The Secretary, after consulting with the Director of Central Intelligence, shall establish policies and procedures with respect to the application of this section to the National Security Agency.

"(3) The Secretary shall submit to Congress a report on any revision of the policies and procedures established under paragraph (2).

"§ 194. Combat support agency representatives: combatant command headquarters

"Upon the request of the commander of a unified or specified combatant command, the director of a combat support agency shall assign a representative of that agency to the headquarters of that command.

"§ 195. Definition of combat support agency

"In this chapter, the term 'combat support agency' means any of the following:

"(1) The Defense Communications Agency.

"(2) The Defense Intelligence Agency.

"(3) The Defense Logistics Agency.

"(4) The Defense Mapping Agency.

"(5) Any other defense agency designated as a combat support agency by the Secretary of Defense.".

(2) The table of sections at the beginning of such chapter is amended to read as follows:

"Sec.
"191. Authority to provide for common performance of supply or service activities.
"192. Defense agencies: oversight by the Secretary of Defense.
"193. Combat support agencies: duties of the Chairman of the Joint Chiefs of Staff.
"194. Combat support agency representatives: combatant command headquarters.
"195. Definition of combat support agency.
"196. Unauthorized use of Defense Intelligence Agency name, initials, or seal.".

(b) DEFENSE AGENCY DEFINED.—Section 101 of such title is amended by adding at the end the following new paragraph:

"(43) 'Defense agency' means an agency established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department.".

(c) CONFORMING AMENDMENT.—Section 125 of such title is amended by striking out the last sentence of subsection (d).

(d) TRANSITION PROVISIONS.—

(1) SECRETARY OF DEFENSE REVIEW OF DEFENSE AGENCIES.—The first review under section 192 of title 10, United States Code (as added by subsection (a)(1)), shall be completed not later than the end of the two-year period beginning on the date that the report required by section 202(f) is required to be submitted to Congress.

(2) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The first report under subsection (a) of section 193 of such title (as added by subsection (a)(1)) shall be submitted, and subsections (b) and (c) of such section shall be implemented, not later than the end of the one-year period beginning on the date of the enactment of this Act. The Secretary of Defense shall provide an interim report on the implementation of such subsections (b) and (c) in the report of the Secretary submitted to Congress for 1987 under section 133(c) of title 10, United States Code, and shall provide a final report on such implementation in the report of the Secretary under such section submitted for 1988.

(3) APPLICATION TO NATIONAL SECURITY AGENCY.—The Secretary of Defense shall, before the end of the 120-day period beginning on the date of the enactment of this Act—

(A) establish the policies and procedures required to be established by subsection (d)(2) of section 193 of such title (as added by subsection (a)(1)) with respect to the application of such section to the National Security Agency; and

(B) submit to Congress a report on such policies and procedures.

SEC. 202. REASSESSMENT OF DEFENSE AGENCIES.

(a) SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall conduct a study of the functions and organizational structure of the defense agencies. The study shall determine the most appropriate means of providing the supplies and services now provided by those agencies, after considering the matters set forth in subsection (d) and the reports submitted under subsection (b).

(2) To the extent that the most appropriate means of providing those supplies and services is determined under paragraph (1) to be the existing defense agency struc-

ture, the study shall analyze methods to improve the performance and responsiveness of the defense agencies with respect to the entities to which they provide those supplies and services, particularly with regard to the unified and specified combatant commands.

(b) SERVICE SECRETARIES AND CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments shall each conduct a study of functions and organizational structure of the defense agencies. The Chairman and Secretaries shall each submit a report to the Secretary of Defense on such study at a time specified by the Secretary. Each such report shall include a discussion of and recommendations concerning each matter set forth in subsection (d).

(c) NATIONAL SECURITY AGENCY.—This section shall apply to the National Security Agency as determined appropriate by the Secretary. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

(d) MATTERS CONSIDERED.—The studies required by subsections (a) and (b) shall consider the following matters:

(1) Whether the existing allocation of functions to, and organizational structure of, the defense agencies meets the statutory requirement of providing more effective, economical, or efficient provision of a supply or service activity common to more than one military department and eliminating duplication in the provision of that supply or service activity.

(2) Alternative allocations of authority and functions assigned to the defense agencies, including—

(A) various possible redistributions of responsibilities among those agencies;

(B) transfer of those functions to the military departments;

(C) transfer of those functions to the Office of the Secretary of Defense;

(D) transfer of those functions to the Chairman of the Joint Chiefs of Staff, the commanders of the unified and specified combatant commands, or other joint entities of the Department of Defense;

(E) creation of new defense agencies; and

(F) other organizational changes in the Department of Defense designed to make the performance of those functions more effective, economical, or efficient.

(3) The effect of the amendments made by section 201 on ensuring the readiness and responsiveness of the defense agencies in the event of a war or threat to national security and any additional legislation that the Secretary considers necessary to ensure such readiness and responsiveness.

(4) Additional legislative or administrative actions that the Secretary considers necessary to ensure effective oversight of defense agency resource management, personnel policies, and budget procedures and to clarify the chain of command.

(5) The findings of the report of March 1979 entitled "Report to the Secretary of Defense of the Defense Agency Review" and directed by Major General Theodore Antonelli, United States Army (Retired).

(e) CONSULTATION WITH APPROPRIATE OFFICIALS.—The Secretary, in carrying out the study required by subsection (a), shall consult with the directors of the defense agencies and such other officials as the Secretary considers appropriate.

(f) REPORT.—The Secretary of Defense shall submit to Congress a report that includes the following:

(1) A report on the study required by subsection (a) that includes—

(A) a discussion of and recommendations concerning each matter set forth in subsection (d); and

(B) a discussion of the reports required by subsection (b).

(2) A copy of each report required by subsection (b) and the comments of the Secretary concerning each such report.

(g) DEADLINE FOR SUBMISSION.—The report required by subsection (f) shall be submitted not later than the end of the one-year period beginning on the date of the enactment of this Act.

SEC. 203. REPORT ON IMPROVED APPLICATION OF COMPUTER SYSTEMS TO DEFENSE AGENCY FUNCTIONS.

(a) IN GENERAL.—The Secretary of Defense shall prepare a report describing a plan for the improved application of computer systems to defense agency functions and activities, particularly with respect to the application of new automated data processing equipment and systems to such activities and the replacement of existing equipment and systems with new equipment and systems. The report shall set forth

a plan for the rapid replacement of existing automated data processing equipment and systems when necessary for agency functions.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted as part of the report of the Secretary under section 202(f).

TITLE III—JOINT OFFICER PERSONNEL POLICY

SEC. 301. JOINT OFFICER MANAGEMENT.

(a) ESTABLISHMENT OF JOINT SPECIALTY.—Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—JOINT OFFICER MANAGEMENT

"Sec.
"661. Joint specialty.
"662. Selection for senior military positions.
"663. Training and education.
"664. Length of joint duty assignments.
"665. Procedures for monitoring careers of joint officers.
"666. Reserve officers not on the active duty list.
"667. Annual report to Congress.
"668. Definitions.

"§ 661. Joint specialty

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish an occupational category for officers of the Army, Navy, Air Force, and Marine Corps on the active-duty list who (in addition to their principal military occupational specialty) are particularly trained in and oriented toward joint matters (as defined in section 668 of this title). Officers with that occupational category shall be identified or designated in such manner as the Secretary of Defense directs. For purposes of this chapter, that category is referred to as the 'joint specialty'.

"(b) NUMBERS AND SELECTION.—

"(1) NUMBER.—The number of officers with the joint specialty shall be determined by the Secretary. Such number shall be large enough to meet the requirements of subsection (d).

"(2) SELECTION OF OFFICERS FOR JOINT SPECIALTY.—Officers shall be selected for the joint specialty by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. The Secretaries of the military departments shall nominate officers for selection for the joint specialty. Nominations shall be made from among officers—

"(A) who meet qualifications prescribed by the Secretary of Defense; and

"(B) who—

"(i) are senior captains or, in the case of the Navy, lieutenants; or

"(ii) are serving in the grade of major or lieutenant commander or a higher grade.

"(c) TRAINING AND EXPERIENCE REQUIREMENTS.—

"(1) GENERAL RULE.—An officer who is nominated for the joint specialty may not be selected for the joint specialty until the officer—

"(A) successfully completes an appropriate program at a joint professional military education school; and

"(B) after completing such program of education, successfully completes a full tour of duty in a joint duty assignment.

"(2) EXCEPTION FOR OFFICERS WITH CRITICAL SKILLS.—An officer who has a critical occupational specialty involving combat operations (as designated by the Secretary of Defense) who is nominated for the joint specialty may be selected for the joint specialty after successful completion of a joint duty assignment of not less than two years and successful completion of a program under paragraph (1)(A). An officer selected for the joint specialty under this paragraph shall be required to complete the generally applicable requirements for selection under paragraph (1)(B) as soon as practicable after such officer's selection.

"(d) JOINT DUTY ASSIGNMENTS.—

"(1) 50 PERCENT REQUIREMENT.—The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above captain or, in the case of the Navy, lieutenant are filled at any time by officers who have (or have been nominated for) the joint specialty.

"(2) CRITICAL ASSIGNMENTS.—The Secretary of Defense shall designate not fewer than 1,000 joint duty assignment positions as critical joint duty assignment positions. Each such position shall be held only by officers with the joint specialty.

"(e) CAREER GUIDELINES.—The Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish career guidelines for officers with the joint specialty. Such guidelines shall include guidelines for—

"(1) selection;

"(2) training;

"(3) military education;

"(4) types of duty assignments;

"(5) information and guidelines to be furnished by the Secretary of a military department under section 615 of this title for officer selection boards; and

"(6) such other matters as the Secretary considers appropriate.

"§ 662. Selection for senior military positions

"(a) POLICY FOR SELECTION FOR SENIOR POSITIONS.—The Secretary of Defense shall establish policies to ensure that, whenever practicable, the criteria set forth in subsection (b) are applied to the selection of an officer for recommendation to the President for—

"(1) appointment as Chairman of the Joint Chiefs of Staff or as a Chief of Service; or

"(2) assignment as the commander of a unified or specified combatant command.

"(b) CRITERIA.—The criteria referred to in subsection (a) are as follows:

"(1) JCS CHAIRMAN.—The criteria for selection of an officer for recommendation for appointment as Chairman of the Joint Chiefs of Staff are that the officer have served as a Chief of Service or as the commander of a unified or specified combatant command.

"(2) CHIEF OF SERVICE.—The criteria for selection of an officer for recommendation for appointment as a Chief of Service are that the officer have had significant experience in joint duty assignments and that such experience include at least one joint duty assignment as a general or flag officer.

"(3) CINC.—The criteria for selection of an officer for recommendation for assignment as the commander of a unified or specified combatant command are that the officer—

"(A) have the joint specialty; and

"(B) have had at least one joint duty assignment as a general or flag officer.

"(c) CHIEF OF SERVICE DEFINED.—In this section, the term 'Chief of Service' means the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps.

"§ 663. Training and education

"(a) CAPSTONE COURSE FOR NEW GENERAL AND FLAG OFFICERS.—

"(1) REQUIREMENT.—Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new flag and general officers to work with the other armed forces.

"(2) WAIVER AUTHORITY.—Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

"(A) in the case of an officer whose immediately previous assignment was in a critical joint duty assignment and who is thoroughly familiar with joint warfare matters;

"(B) when necessary for the good of the service;

"(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4) of this title); and

"(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, chaplain, or judge advocate.

"(3) LIMITATION ON WAIVER AUTHORITY.—The authority of the Secretary of Defense to grant a waiver under paragraph (2) may only be delegated to the Deputy Secretary of Defense or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

"(b) JOINT MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall periodically review and revise the curriculum of schools of the National Defense University (and of any other joint professional military education school) to enhance the education and training of officers in joint military matters. Such schools shall be required

to maintain rigorous standards for the military education of officers with the joint specialty.

"(c) OTHER PROFESSIONAL MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall require that each Department of Defense school concerned with professional military education periodically review and revise its curricula for senior and intermediate grade officers in order to strengthen the focus on—

"(1) joint military operations; and

"(2) preparing officers for joint duty assignments.

"(d) POST-TRAINING DUTY ASSIGNMENTS.—The Secretary shall ensure that—

"(1) unless waived by the Secretary in an individual case, each officer with the joint specialty who graduates from a joint professional military school shall be assigned to a joint duty assignment for that officer's next duty assignment; and

"(2) a high proportion (which shall be significantly greater than 50 percent) of the other officers graduating from a joint professional military school also receive assignments to a joint duty assignment as their next duty assignment.

"(e) OTHER REQUIREMENTS FOR SENIOR OFFICERS.—The Secretary shall take all other practicable measures to improve the training and experience of officers serving in senior joint duty assignments.

"§ 664. Length of joint duty assignments

"(a) GENERAL RULE.—The length of a joint duty assignment—

"(1) for general and flag officers shall be not less than three years; and

"(2) for other officers shall be not less than three and one half years.

"(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in any case, but the Secretary shall ensure that the average length of joint duty assignments meets the standards prescribed in that subsection.

"(c) CERTAIN OFFICERS WITH CRITICAL COMBAT OPERATIONS SKILLS.—Joint duty assignments of less than the period prescribed by subsection (a), but not less than two years, may be authorized for the purposes of section 661(c)(2) of this title. Any such assignment shall not be counted for the purposes of determining the average length of joint duty assignments under subsection (b).

"§ 665. Procedures for monitoring careers of joint officers

"(a) PROCEDURES.—(1) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish procedures for overseeing the careers of—

"(A) officers with the joint specialty; and

"(B) other officers who serve in joint duty assignments.

"(2) Such oversight shall include monitoring of the implementation of the career guidelines established under section 661(e) of this title.

"(b) ADVICE OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The Chairman of the Joint Chiefs of Staff shall advise the Secretaries of the military departments with respect to duty assignments of—

"(1) officers with the joint specialty; and

"(2) other officers serving in joint duty assignments.

"(c) FUNCTION OF JOINT STAFF.—The Secretary shall take such action as necessary to enhance the capabilities of the Joint Staff so that it can—

"(1) monitor the promotions and career assignments of officers with the joint specialty and of other officers who have served in joint duty assignments; and

"(2) otherwise advise the Chairman on joint personnel matters.

"§ 666. Reserve officers not on the active duty list

"The Secretary of Defense shall establish personnel policies emphasizing training and experience in joint matters for reserve officers not on the active-duty list. Such policies shall, to the extent practicable for the reserves components, be similar to the policies provided by this chapter.

"§ 667. Annual report to Congress

"(a) IN GENERAL.—The Secretary of Defense shall include in the annual report of the Secretary to Congress (in that portion of the report relating to management) the following information:

"(1) The number of officers qualifying for the joint specialty and their education and training.

"(2) The promotion rate for officers in the joint specialty compared with the promotion rates for officers in the same armed force and at the same competitive category, shown for all officers of the armed force and for officers serving on the headquarters staff of the military department concerned.

"(3) The promotion rates of other officers serving in joint duty assignments, compared in the same manner as specified in paragraph (2).

"(4) Promotion rates for officers below the zone, shown for officers with the joint specialty and other officers who have served in joint duty assignments, compared in the same manner as specified in paragraph (2).

"(5) An analysis of assignments of officers after selection for the joint specialty.

"(6) The average length of tours of duty in joint duty assignments—

"(A) for general and flag officers, shown separately for assignments to the Joint Staff and other joint duty assignments; and

"(B) for other officers, shown separately for assignments to the Joint Staff and other joint duty assignments.

"(7) In any case in which the information under paragraphs (2) through (6) shows a significant imbalance between officers serving in joint duty assignments and other officers, a description of what action has been taken (or is planned to be taken) by the Secretary to correct the imbalance.

"(8) Any other information or comparative data that shows performance of the Department of Defense and the performance of each military department in carrying out this chapter and section 626a of this title.

"(b) ANNUAL REPORT OF THE SECRETARY DEFINED.—In this section, the term 'annual report of the Secretary' means the annual report of the Secretary of Defense required by section 133(c) of this title.

"§ 668. Definitions

"(a) JOINT MATTERS.—In this chapter, the term 'joint matters' means matters relating to the integrated employment of land, sea, and air forces, including matters relating to—

"(1) national military strategy;

"(2) long-range and contingency planning; and

"(3) command and control of combat operations under unified command.

"(b) JOINT DUTY ASSIGNMENT.—

"(1) IN GENERAL—The Secretary of Defense shall by regulation define the term 'joint duty assignment' for the purposes of this chapter. That definition shall be limited to assignments in which the officer gains significant experience in joint matters and shall exclude—

"(A) assignments for joint training or joint education; and

"(B) assignments within an officer's own military department.

"(2) PUBLICATION.—The Secretary shall publish a list showing—

"(A) the positions that are joint duty assignment positions under such regulation and the number of such positions; and

"(B) of the positions listed under subparagraph (A), those that are critical joint duty assignment positions and the number of such positions.".

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 37 the following new item:

"38. Joint Officer Management ..... 661".

SEC. 302. PROMOTION POLICY FOR JOINT SERVICE OFFICERS.

(a) COMPOSITION OF SELECTION BOARDS.—Section 612 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Each selection board that will consider officers who have served in joint duty assignments shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is currently serving in a joint duty assignment. The Secretary of Defense may waive the preceding sentence in the case of any selection board of the Marine Corps.".

(b) REVIEW OF PROMOTION LISTS BY CHAIRMAN OF JCS.—Section 618 of such title is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) After completing the requirements of subsection (a), the Secretary concerned shall submit the report to the Chairman of the Joint Chiefs of Staff.

"(2) The Chairman shall review the report in accordance with guidelines prescribed by the Secretary of Defense. After reviewing the report of a selection board, the Chairman may recommend for promotion officers who—

"(A) were considered by the board and not recommended for promotion; and

"(B) have served or are serving in joint duty assignments.

"(3) The number of such officers that the Chairman recommends for promotion in any competitive category considered by the board may not exceed 10 percent of the number of officers that the board was authorized to recommend for promotion in that competitive category (but in any case the Chairman may recommend one such officer).

"(4) After reviewing the report of a selection board, the Chairman shall return the report to the Secretary concerned with the names of officers (if any) who were not recommended for promotion by the selection board and who the Chairman recommends for promotion under paragraph (2). Except as provided under paragraph (5), each such name shall be added to the report of the selection board.

"(5) If the Chairman recommends officers for promotion under paragraph (2), and if (after consulting with the Chairman) the Secretary concerned disagrees with any such recommendation of the Chairman, the Secretary—

"(A) may return the report, together with the Chairman's recommendations and comments, to the selection board for further proceedings in accordance with subsection (a);

"(B) may convene a special selection board in the manner provided for under section 628 of this title for consideration of any such officer on his record; or

"(C) may take other appropriate action to satisfy the concerns of the Chairman.

"(6) If, after completion of all actions taken under paragraph (5), the Secretary concerned and the Chairman remain in disagreement with respect to the selection for promotion of an officer, the Secretary concerned shall indicate such disagreement, and the reasons for such disagreement, as part of his transmittal of the report of the selection board to the Secretary of Defense under subsection (c). Such transmittal shall include the name of each officer recommended by the Chairman."; and

(3) by adding at the end of paragraph (1) of subsection (c) (as redesignated by paragraph (1)) the following new sentences: "If the Secretary concerned and the Chairman of the Joint Chiefs of Staff disagree with respect to a recommendation for promotion by the Chairman under subsection (b), the Secretary of Defense shall, before transmitting the report to the President, decide the matter by directing that the name of an officer recommended for promotion by the Chairman be added to, or not be added to, the report of the selection board for officers recommended for promotion. After final action by the Secretary of Defense, the report of the selection board, as modified in accordance with subsection (b) and the decisions of the Secretary of Defense, shall be considered for all purposes to be the report of the selection board.".

(c) PROMOTION POLICIES FOR JOINT SERVICE OFFICERS.—

(1) RELATIVE PROMOTION RATES.—Chapter 36 of such title is amended by inserting after section 626 end the following new section:

"§ 626a. Promotion policy for joint service officers

"The Secretary of Defense shall establish policies to ensure that, whenever practicable, selection of officers on the active-duty list for promotion under this chapter is carried out in a manner consistent with the following policies:

"(1) JOINT STAFF OFFICERS.—Officers who are serving on, or have served on, the Joint Staff shall, as a group, be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staff of their armed force.

"(2) JOINT SPECIALTY OFFICERS.—Officers with the joint specialty under chapter 38 of this title shall, as a group, be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staff of their armed force.

"(3) OTHER JOINT ASSIGNMENT OFFICERS.—Officers who are serving in, or have served in, joint assignments (other than officers covered by paragraphs (1) and (2)) shall, as a group, be promoted at a rate determined by the Secretary of Defense between—

"(A) the rate for all officers of that armed force in the same grade and competitive category; and

"(B) the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staffs of the military departments.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"626a. Promotion policy for joint service officers.".

SEC. 303. JOINT DUTY ASSIGNMENT AS PREREQUISITE FOR PROMOTION TO GENERAL OR FLAG OFFICER RANK.

Section 619 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) An officer may not be selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) unless the officer has served in a joint duty assignment.

"(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

"(A) when necessary for the good of the service;

"(B) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist;

"(C) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, chaplain, or judge advocate; and

"(D) until January 1, 1992, in the case of an officer who the Secretary determines served before the date of the enactment of this subsection in an assignment (other than a joint duty assignment) that involved significant experience in joint matters.

"(3)(A) A waiver may be granted under paragraph (2) only on a case-by-case basis in the case of an individual officer.

"(B) In the case of a waiver under paragraph (2)(A), the Secretary shall provide that the first duty assignment as a general or flag officer of an officer for whom the waiver is granted shall be in a joint duty assignment.

"(C) The authority of the Secretary of Defense to grant a waiver under paragraph (2)(B) or (2)(C) may only be delegated to the Deputy Secretary of Defense or an Assistant Secretary of Defense.

"(4) The Secretary of Defense shall prescribe regulations to carry out this subsection. Such regulations shall specifically identify those categories of officers for which selection for promotion to brigadier general is based primarily upon scientific and technical qualifications for which joint requirements do not exist.".

SEC. 304. ANNUAL REPORT ON IMPLEMENTATION.

The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 133(c) of title 10, United States Code, for each year from 1987 through 1991 (in that portion of the report relating to management) a detailed report on the implementation of this title and the amendments made by this title.

SEC. 305. TRANSITION.

(a) JOINT SPECIALTY.—

(1) INITIAL SELECTIONS.—The Secretary of Defense shall make the initial selections of officers for the joint specialty under chapter 38 of title 10, United States Code, as added by section 301, from among officers in such grades as the Secretary determines.

(2) SPECIAL RULES.—In making such selections, the Secretary—

(A) may waive the requirement of either subparagraph (A) or (B) (but not both) of section 661(c)(1) of title 10, United States Code, as added by section 301, in the case of officers in a grade above captain or, in the case of the Navy, lieutenant and below the grade of brigadier general or rear admiral (lower half); and

(B) may waive the requirements of both subparagraphs (A) and (B) of such sentence in the case of general and flag officers who have served in joint duty assignments.

(3) SUNSET.—The authority provided by this section shall expire two years after the date of the enactment of this Act.

(b) JOINT DUTY ASSIGNMENTS.—(1) Section 661(d) of title 10, United States Code, as added by section 301, shall be impiemented as rapidly as possible and not later than two years after the date of the enactment of this Act.

(2) The list of positions that are joint duty assignments required to be published by section 668(b)(2) of such title shall be published not later than the end of the six-month period beginning on the date of the enactment of this Act.

(c) CAREER GUIDELINES.—The career guidelines required to be established by section 661(e) of such title, the procedures required to be established by section 665(a) of such title, and the personnel policies required to be established by section 666 of such title shall be established not later than the end of the six-month period beginning on the date of the enactment of this Act. The provisions of section 665(c) of such title shall be implemented not later than the end of such period.

(d) TRAINING AND EDUCATION.—

(1) CAPSTONE COURSE.—Subsection (a) of section 663 of such title, as added by subsection (a), shall apply with respect to officers selected in reports of officer selection boards submitted to the Secretary concerned after the end of the 120-day period beginning on the date of the enactment of this Act.

(2) REVIEW OF MILITARY EDUCATION SCHOOLS.—(A) The first review under subsections (b) and (c) of such section shall be completed not later than 120 days after the date of the enactment of this Act. The Secretary of Defense shall submit to Congress a report on the results of the review at each Department of Defense school not later than 60 days thereafter.

(B) Such subsections shall be implemented so that the revised curricula take effect with respect to courses beginning after August 1987.

(e) PROMOTION POLICY.—(1) The amendments made by subsections (a) and (b) of section 302 shall take effect with respect to selection boards convened under section 611(a) of title 10, United States Code, after the end of the 120-day period beginning on the date of the enactment of this Act.

(2) Section 626a of title 10, United States Code, as added by section 302(c), shall take effect with respect to selection boards convened under section 611(a) of title 10, United States Code, after the end of the 180-day period beginning on the date of the enactment of this Act.

TITLE IV—MILITARY DEPARTMENT ORGANIZATION

SEC. 401. REORGANIZATION OF MILITARY DEPARTMENTS BY THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall reorganize the executive part of the military departments in accordance with the provisions of this title.

(b) REORGANIZATION POLICIES.—In carrying out the reorganization required by subsection (a), the Secretary of Defense shall implement the following policies:

(1) Each military department shall have a single integrated staff for the executive part of the department, rather than separate civilian secretariat and military staffs.

(2) Commissioned officers serving on the new military department staff shall not constitute or be organized as a separate component within the staff (other than the personal staff of a Service Chief).

(3) The functional assignments of the assistant secretaries of the military departments shall be as uniform as possible across the military departments. In implementing this policy, the Secretary shall limit exceptions to the greatest extent possible.

(4) Senior civilian officials on the department staff who are political appointees shall not be placed in a position subordinate to a military officer.

(5) The size of the department staffs shall be substantially reduced from the combined size of the prior secretariat and military staffs, with functions to be shifted to appropriate joint staffs or to subordinate commands outside the seat of government.

(6) The military staff functions relating to the reserve components shall not be abolished or consolidated with other elements of the military department staff.

(7) The position of Administrative Assistant in the Department of the Army provided for under section 3016 of title 10, United States Code, shall not be abolished and the other military departments may be authorized to have a similar position.

(c) LIMITATION ON FUTURE ADMINISTRATIVE REORGANIZATION OF THE MILITARY DEPARTMENTS.—After the reorganization required by this section is implemented, no reorganization may be made within the Department of Defense that would be inconsistent with the policies set forth in subsection (b).

(d) SUPERVISORY CONTROL OF MILITARY PERSONNEL.—Nothing in this title limits the authority of a Service Chief, under the authority, direction, and control of the Secretary concerned, to exercise supervisory control over members of the Armed Forces under his jurisdiction, especially with respect to personnel matters, in the manner exercised by the Service Chief before the enactment of this Act.

SEC. 402. EXECUTIVE PART OF MILITARY DEPARTMENTS.

(a) IN GENERAL.—The executive part of each of the military departments is composed of the following:

(1) The Secretary of the military department.

(2) The Under Secretary.

(3) The Assistant Secretaries.

(4) The general counsel.

(5) The Chief of Staff and, in the case of the Department of the Navy, the Chief of Naval Operations and the Commandant of the Marine Corps.

(6) The Vice Chief of Staff or, in the case of the Department of the Navy, the Vice Chief of Naval Operations and the Assistant Commandant of the Marine Corps.

(7) Deputy Chiefs of Staff or, in the case of the Department of the Navy, Deputy Chiefs of Naval Operations.

(8) The Administrative Assistant, in the case of the Department of the Army and any other military department with a similar position.

(9) Other offices or positions provided by law to be in the executive part of the military department.

(10) Civilian personnel in the military department assigned or detailed to the executive part of the military department.

(11) Other members of the Armed Forces assigned or detailed to the executive part of the military department.

(b) ASSISTANT SECRETARIES.—

(1) FUNCTIONS.—The Assistant Secretaries of the military departments shall be assigned the following areas of responsibility by the Secretary of Defense:

(A) Manpower functions.

(B) Reserve affairs functions.

(C) Financial management and comptroller functions.

(D) Research and development functions.

(E) Acquisition functions

(F) Logistics functions.

(G) Installations functions.

(H) In the case of the Department of the Army, civil works functions.

(2) NUMBER.—There shall be four Assistant Secretaries in each military department, plus an additional Assistant Secretary in the Department of the Army for civil works functions.

(c) PERSONAL STAFFS OF SERVICE SECRETARIES AND SERVICE CHIEFS.—The Secretary of each military department and each Service Chief may each have a personal staff of not more than 30 persons. The Administrative Assistant, and the staff of the Administrative Assistant, of a military department shall not be counted as part of the personal staff of the Secretary of the military department under this subsection.

(d) LIMITATION ON SIZE OF MILITARY DEPARTMENT STAFF.—The total number of persons assigned or detailed to the department staff or staffs of a military department may not exceed 85 percent of the total number of persons on the service secretariat and headquarters staff or staffs of that military department before the reorganization of that department under this Act. The Secretary of Defense shall ensure that the reduction of the number of persons on staffs of military headquarters results in a reduction in the number of persons that are assigned to duty in the Washington, D.C., area.

SEC. 403. LIMITATION OF DEPARTMENT STAFF FUNCTIONS.

(a) JOINT STAFF.—The Secretary of Defense, in carrying out the reorganization required by this title, shall provide that operation and planning responsibilities that are duplicated by the staff of the Joint Chiefs of Staff shall be shifted to that staff.

(b) DECENTRALIZATION OF NON-HEADQUARTERS FUNCTIONS.—The Secretary of Defense, in carrying out the reorganization required by this title, and the Secretaries of the military departments shall provide that functions that may be performed by subordinate commands outside of the Washington, D.C., area shall be reassigned to those commands.

SEC. 404. RESPONSIBILITIES OF SERVICE SECRETARIES.

(a) INTELLIGENCE ACTIVITIES.—Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of a military department is responsible to the Secretary of Defense for the effective supervision and control of the intelligence activities of that military department.

(b) OPERATIONAL READINESS.—The Secretary of a military department, in organizing, training, and equipping forces under the jurisdiction of the Secretary, shall ensure the operational readiness of such forces.

SEC. 405. IMPLEMENTATION AND REPORT.

(a) IMPLEMENTATION.—The Secretary of Defense shall complete implementation of this title not later than September 30, 1987.

(b) REPORT.—The Secretary shall submit to Congress a report on such implementation. The report shall be submitted not later than 30 days after the date provided

under subsection (a). The report shall include a draft of legislation to make conforming changes to title 10, United States Code, and other appropriate provision of law to reflect the reorganization carried out pursuant to section 401 and the effect of the other provisions of this title.

SEC. 406. DEFINITION.

For purposes of this title, the term "Service Chief" means any of the following:

(1) The Chief of Staff of the Army.

(2) The Chief of Naval Operations.

(3) The Chief of Staff of the Air Force.

(4) The Commandant of the Marine Corps.

TITLE V—MISCELLANEOUS

SEC. 501. ANNUAL REPORT ON NATIONAL SECURITY STRATEGY.

(a) REPORT REQUIREMENT.—The President shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives each year a comprehensive written report on the national security strategy of the United States. The President shall submit such report on the same date each year on which he submits the budget to Congress pursuant to section 1105 of title 31, United States Code.

(b) CONTENTS OF REPORT.—The report referred to in subsection (a) shall include—

(1) a comprehensive discussion of the vital interests, goals, and objectives of the United States throughout the world;

(2) a coordinated and comprehensive description of the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States;

(3) a discussion of the proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in clause (1);

(4) a discussion of the adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy; and

(5) such other pertinent information as may be necessary to help inform Congress on matters relating to the overall foreign policy strategy and military strategy of the United States.

(c) CLASSIFICATION.—The report referred to in subsection (a) shall be transmitted in a classified and an unclassified form.

SEC. 502. MANAGEMENT STUDIES OF OFFICE OF THE SECRETARY OF DEFENSE.

(a) SECRETARY OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study on the functions and organization of the Office of the Secretary of Defense. The study shall examine the functions, divisions of responsibility, and management structure of the Office, including each of the matters specified in subsection (c).

(b) SERVICE SECRETARIES AND CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments shall each conduct a study of the functions and organization of the Office of the Secretary of Defense. The Chairman and Secretaries shall each submit a report to the Secretary of Defense on such study at a time specified by the Secretary. Each such report shall include a discussion of and recommendations concerning each matter specified in subsection (c).

(c) MATTERS TO BE INCLUDED.—The studies required by subsections (a) and (b) shall include consideration of the following:

(1) Whether the present allocation of functions to, and the organizational structure of, the Office constitutes the most effective, efficient, and economical allocation and structure.

(2) Whether the present organization of the Office is the most effective and efficient for the functions of policy initiation, development, and articulation.

(3) Whether the present organization of the Office best ensures that military strategy and military planning are dictated by considerations of national policy and strategy.

(4) Whether effective civilian control of the Department of Defense is best provided by the present structure of the Office, including civilian control of—

(A) policy planning;
(B) force planning;
(C) program development;
(D) budget development;
(E) program execution; and
(F) program review.

(5) Means to improve and strengthen the evaluation function, with particular reference to the findings and recommendations set forth in the final report of the Defense Organization Project of the Georgetown University Center for Strategic and International Studies, entitled "Toward A More Effective Defense" and published in February 1985.

(6) Means to improve and strengthen the oversight function within each element of the Office.

(7) Factors inhibiting efficient and effective execution of the functions of the Office, including factors relating to—

(A) duplication of functions (both within the Office and between the Office and other elements of the Department);
(B) insufficient information; and
(C) insufficient resources (including personnel).

(8) Alternative allocations of authorities and functions of the Office and other reorganization proposals for the Office, including the desirability of—

(A) establishing the Office by law;
(B) establishing Under Secretaries of Defense for mission-oriented areas of responsibility;
(C) establishing the Secretaries of the military departments as Undersecretaries of Defense;
(D) eliminating functional descriptions or designations of Assistant Secretaries of Defense by law;
(E) revising the planning, programming, and budgeting system to strengthen policy and strategy direction;
(F) decentralizing functions of the Office;
(G) reducing the number of officials reporting directly to the Secretary of Defense; and
(H) changing the number of military and civilian personnel in the Office.

(d) ANALYSIS OF CIVILIAN CONTROL.—The Secretary of Defense, in considering under subsection (c)(4) whether effective civilian control of the Department of Defense is best provided by the current structure of the Office, shall examine the functions performed in the Office by members of the Armed Forces on active duty and the functions performed by members in a retired status serving in civilian positions. Such examination shall include determination of—

(1) the number of positions in the Office in grades GS-9 (or the military equivalent) and above held by members of the Armed Forces on active duty, shown for each pay grade by number and as a percentage of the total number of positions in the Office in the pay grade concerned; and

(2) the number of such positions held by members of the Armed Forces in a retired status, shown in the same manner as provided under paragraph (1).

(e) CONSULTATION WITH OTHER APPROPRIATE OFFICIALS.—The Secretary of Defense, in carrying out the study required by subsection (a), shall consult with and obtain the views of the Under Secretaries and Assistant Secretaries of Defense, the directors of the defense agencies, and such other officials as the Secretary considers appropriate.

(f) INDEPENDENT CONTRACTOR STUDY.—The Secretary shall provide for an independent study to be carried out by a contractor to consider the same matters considered in the study of the Secretary under subsection (a). The Secretary shall ensure that the contractor has full access to such information as the contractor requires and that the contractor otherwise receives full cooperation from all Department of Defense officials and entities.

(g) REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to Congress a report on the Secretary's study under subsection (a). The report shall include—

(A) the findings and conclusions of the Secretary with respect to each of the matters set forth in subsection (c);
(B) the findings and statistical determinations required under subsection (d); and
(C) any recommendations of the Secretary for organizational changes in the Office of the Secretary of Defense and a description for the means for implementing each such recommendation.

(2) The Secretary shall include with the report a copy of each report to the Secretary under subsection (b) and a copy of the report of the independent contractor under subsection (e), together with such comments on each such report as the Secretary considers appropriate.

(3) The report under this subsection shall be submitted not later than one year after the date of the enactment of this Act.

EXPLANATION OF THE COMMITTEE AMENDMENT

The committee adopted an amendment in the nature of a substitute during its consideration of H.R. 4370. This amendment is discussed in detail in the remainder of this report.

PURPOSE

The bill would change the structure of the Department of Defense:

(1) To increase the responsiveness of the organization to the combatant commands which are responsible for preparation for and conduct of war;

(2) To provide authority to the commanders of combat elements commensurate with their responsibility;

(3) To achieve the policy declared by the Congress in the National Security Act of 1947, as amended, "to provide for unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces * * *";

(4) To establish military officer personnel management policies to improve performance of joint functions;

(5) To revise the organization of the military departments to increase civilian control and to eliminate duplication and staff layering; and

(6) To ensure that defense agencies are more responsive to the requirements of U.S. combatant commanders and other recipients of their support and services.

The bill would also require thorough reappraisals of the Office of the Secretary of Defense and the defense agencies as a prelude to possible additional changes.

SUMMARY OF THE PROPOSED LEGISLATION

The legislation would amend title 10, United States Code, providing changes in the principal organizational elements of the Department of Defense. It would also require studies of the Office of the Secretary of Defense and the defense agencies and would require yearly Presidential reports on the national security structure of the United States.

TITLE I—COMBATANT COMMANDS

Title I contains a number of provisions intended to strengthen the unified and specified commands, their commanders, and the relationship of those commands and their commanders to the chairman of the Joint Chiefs of Staff, the Joint Chiefs of Staff, the Secretary of Defense, and the military departments. The legislation would provide that the unified and specified commanders (the CINCs), who are responsible for preparation for and the conduct of

war, exercise *command* (as opposed to "full *operational* command", as at present) of assigned forces. The legislation defines command as authoritative direction over subordinate forces necessary to accomplish assigned missions.

In line with the broadened command authority, the legislation would provide each unified and specified commander the authority to select the commanders of principal subordinate units and to remove them; to exercise courts-martial jurisdiction over his command; to organize the command; to prescribe the chain of command within his command; to train assigned forces; and to employ his forces to accomplish assigned missions.

The legislation would also establish an avenue through the chairman of the Joint Chiefs of Staff for the unified and specified commanders to advise the Secretary of Defense on the composition of the overall national defense budget. The bill would require the chairman to submit recommendations to the Secretary of Defense each year for the overall allocation of the defense budget. The bill would require that the chairman's recommendations be based on recommendations submitted to him by the unified and specified commanders as well as the military departments. In addition, the chairman would be required to review the program objectives and budget proposals of the military departments.

The legislation would require the Secretary of Defense to include budget proposals in the annual defense budget for such activities of the unified and specifies commanders as the Secretary determined to be appropriate. The bill specifies that the budget for the unified and specified commanders could include requests for such activities as joint exercises, force training, contingencies, and selected operations.

The bill would make several changes to the way unified and specified commands are to be established and manned. The unified and specified commands would be established by the President through the Secretary of Defense with the advice and assistance of the chairman, a provision that has already been approved by the House of Representatives in the Joint Chiefs of Staff Reorganization Act—H.R. 3622. All military forces, except those required by the services for recruiting, organizing, training, and supplying of the Armed Forces, would be assigned to the unified and specified commands.

The bill would also authorize the President to establish special combatant commands if the President determined that the situation warranted such a force to perform a specific military mission. The President would be required to prescribe the shortest practicable chain of command for each force deployed consistent with proper supervision and support.

The legislation would further require periodic review of the overall structure of the unified and specified commands to ensure that the U.S military command organization can respond to changing worldwide conditions. A major initial review would be required to evaluate the worldwide combatant command structure, including such issues as creating a strategic command (combining the Strategic Air Command and the strategic forces of the Navy), revising the missions, functions and responsibilities of the U.S. Readiness Command and the U.S. Central Command, establishing a unified

command for special operations, and revising the geographic areas assigned to the U.S. Southern Command.

The legislation would assign several additional responsibilities to the chairman of the Joint Chiefs of Staff. He would be required to establish and maintain a system for evaluating the overall capabilities of each unified and specified command to accomplish its missions. He would also develop doctrine for the joint employment of the Armed Forces. He would advise the President on the establishment of unified and specified commands and special combatant commands. He would conduct the periodic reviews of the plan of the unified command structure and make recommendations to the President. He would consolidate the budget proposals submitted by the unified and specified commanders and submit his recommendations to the Secretary of Defense. He would inform the Secretary of Defense when any military department provides substantially fewer than one-third of the positions on the Joint Staff and one-third of the total number of joint duty assignments. He would perform net assessments as discussed below. And he would, subject to the authority, direction, and control of the Secretary of Defense, supervise the unified and specified commanders and act as their spokesman at the seat of government.

The legislation would ensure that the advice of the unified and specified commanders and the service chiefs is available to the chairman as he shoulders additional responsibilities. The legislation prescribes that the chairman, in carrying out all of his advisory and other responsibilities should consult, as appropriate, with the other members of the Joint Chiefs of Staff and commanders of the unified and specified commands.

The legislation would also establish a Joint Commanders Council (JCC) that would consist of the chairman of the Joint Chiefs of Staff and commanders of each of the unified and specified commands. The Council would advise the chairman on how to carry out responsibilities he will assume as a result of this legislation. The Council would also be available to advise the President and Secretary of Defense as required.

The responsibility to perform net assessments would be assigned to the chairman of the Joint Chiefs of Staff. He would also be required to develop a net assessment capability in the Joint Staff and to make it available to the unified and specified commanders. Moreover, the Secretary of Defense would be required to establish procedures by which any unified commander could receive assistance from organizations within the Department of Defense that perform net assessments.

The legislation would repeal two provisions of present law: the prohibition against consolidating functions of the military transportation commands and the prohibition against altering the command structure for military forces in Alaska.

In addition, the legislation would delete a provision that could be interpreted to authorize the Navy to conduct military operations autonomously, that is, independent of the command authority of any unified or specified commander. The law presently states that the Navy "is generally responsible for Naval reconnaissance, antisubmarine warfare and protection of shipping". A major purpose of the bill is to establish the unified and specified commanders' au-

thority to conduct military operations. Therefore, the ambiguous language concerning the Navy would be removed from the law, and the Navy would be placed on the same footing as the other three services.

The bill would require that the total number of headquarters staff positions not increase as a result of implementing the provisions of this legislation. Instead, the bill specifies that the realignment of authorities, responsibilities, and functions should result in a corresponding realignment of the various staffs involved. (Title IV would require a net reduction of 15 percent in the military headquarters staffs.)

The bill restates for completeness two provisions that appear in current law. One provision specifies that the unified and specified commanders are responsible to the President and to the Secretary of Defense for such missions as may be assigned to them by the Secretary with the approval of the President. This provision establishes the national military chain of command. The other provision assigns the Secretary of each military department responsibility for the administration of forces assigned by that department to combatant commands, subject to the authority, direction, and control of the Secretary of Defense.

TITLE II—DEFENSE AGENCIES

Title II would require a fundamental reassessment of the defense agencies. It also contains other provisions intended to focus defense agencies with a combat support mission on the wartime requirements of that mission.

The bill would continue the authority of the Secretary of Defense to create a defense agency when he determines that an agency would more effectively, economically, or efficiently provide a supply or service activity common to more than one military department. The bill would require periodic review to ensure that the rationale for each agency's establishment (effectiveness, economy, or efficiency) continues to apply. Moreover, the legislation would require that the initial review consist of a fundamental reappraisal of the functions and organizational structure of the defense agencies to determine whether the existing allocation of functions to, and organizational structure of, the defense agencies meets the statutory criteria for their establishment, to examine alternative allocations of authority and functions now assigned to defense agencies, and to examine other related matters including improvement in the application of computer systems to defense agency functions.

Several defense agencies that are assigned support and service responsibilities for the unified and specified commands would be designated "combat support agencies." The legislation includes provisions intended to ensure that these agencies are prepared to fulfill their wartime missions.

The chairman of the Joint Chiefs of Staff would be required to submit periodic reports to the Secretary of Defense on the combat support agencies that include a determination of the responsiveness and readiness of each agency to support operating forces in the event of war. In perparing the report, the chairman would be

required to review the combat support plans of each support agency and to take steps, in accordance with guidelines established by the Secretary of Defense, to provide for any revisions of those plans that the chairman considered appropriate. The chairman would also be required to provide for the participation of the combat support agencies in joint training exercises, to assess their performance in those exercises, and in accordance with guidelines established by the Secretary of Defense, to provide for any change the chairman considered appropriate to improve combat support agency performance. Finally, the chairman would be required to develop a uniform readiness reporting system for combat support agencies.

The legislation would require that the director of a combat support agency, upon the request of the commander of a unified or specified combatant command, assign a representative of the agency to the headquarters of that command.

TITLE III—JOINT OFFICER PERSONNEL POLICY

Title III would reform the joint officer personnel management system. It would create a joint specialty career category with incentives to attract outstanding officers. It would also establish legal safeguards to protect the careers (promotions and assignments) of officers serving in joint billets.

The joint specialty occupational category would be comprised of officers who are particularly trained in and oriented toward the integrated employment of land, sea, and air forces including national military strategy, long-range contingency planning, and command and control of combat operations under unified command. The number of joint officer specialists would be determined by the Secretary of Defense but would be required to be sufficient to fill approximately one-half of all joint duty billets.

Joint specialists would be nominated by the Secretary of the respective military department. They would be selected by the Secretary of Defense for the specialty after completion of joint schooling and a successful joint tour.

The Secretary of Defense, with the advice of the chairman of the Joint Chiefs of Staff, would be required to establish career guidelines for the joint specialty and to establish procedures for overseeing the careers of all officers who serve in joint positions. The Secretary would be required to ensure that the capabilities of the Joint Staff are sufficient to assist in monitoring the careers of officers who have served in joint assignments and to advise the chairman on joint personnel management subjects.

To increase the experience level in joint assignments, the Secretary of Defense would also be required to designate not fewer than 1,000 joint duty positions that would be filled by officers who held the joint specialty.

The legislation would also provide incentives for outstanding officers to seek joint assignments. The Secretary of Defense would be required to apply the following criteria, where practicable, as a matter of policy:

(1) Future unified and specified commanders must have the joint specialty and at least one joint duty assignment as a general or flag officer.

(2) Future chiefs of service must have significant experience in joint duty assignments and at least one joint duty assignment as a flag officer.

(3) Future chairmen of the Joint Chiefs of Staff must have been a unified or specified commander or a chief of service.

(4) A prerequisite for promotion to general or flag officer in the future would be a joint duty assignment.

The legislation would require changes in military education to emphasize joint military subjects. The Secretary of Defense would be made responsible for strengthening the focus of all professional military schools on joint subjects. Also, with certain exceptions, all new general and flag officers would be required to attend a course specifically designed to prepare them to work with the other Armed Forces. Moreover, the Secretary would be required to ensure that most graduates of joint professional military schools receive joint duty assignments after graduation. Finally, the Secretary would be required to take all other practicable measures to improve the training and experience of officers serving in senior joint duty assignments.

The length of joint duty assignments would be set at not less than three years for general and flag officers and three and one half years for other officers. The Secretary of Defense could waive this requirement, but he must ensure that the average length of joint duty assignments meets these standards. Also, officers serving in critical occupational specialties involving combat operations, as designated by the Secretary of Defense, would be allowed to complete joint duty assignments of not less than two years.

The Secretary would be required to establish comparable personnel management policies for the reserve components, emphasizing training and experience in joint subjects.

The legislation would establish policies to ensure that promotion opportunity and timing for officers who serve in joint assignments are comparable to their counterparts in the services. Joint specialty and Joint Staff officers, as a group, would experience promotion opportunity and timing at least as favorable as the promotion opportunity and timing for officers serving on military headquarters staffs. Officers in joint positions, as a group, would experience promotion opportunity and timing specified by the Secretary of Defense between the service-wide promotion opportunity and timing and the promotion opportunity and timing for military headquarters staffs.

The legislation would require the Secretary of Defense to include in the management section of his annual report to Congress comparative data that demonstrates the performance of the Department of Defense and of each individual military department in carrying out the requirements specified in title III of the bill related to the management of joint officer personnel. In addition, the legislation would require that the Secretary include through fiscal year 1991 a section in his annual report to the Congress on the implementation of these requirements.

The military departments would continue to control promotions. To safeguard officers who have served in joint assignments, however, the legislation would require that an officer designated by the chairman of the Joint Chiefs of Staff and serving in a joint position would sit as a member of each service board that considers officers who have served in joint duty assignments. In addition, the chairman of the Joint Chiefs of Staff would be required to review the list of individuals recommended for promotion by each service selection board, and the chairman could recommend a number, not to exceed 10 percent, of additional officers for promotion. The chairman's recommendations would be submitted to the service Secretary, and unless the chairman and the service Secretary could resolve differences in accordance with procedures specified in the bill, the chairman's recommendations would eventually be transmitted to the Secretary of Defense for resolution.

TITLE IV—MILITARY DEPARTMENT ORGANIZATION

Title IV would require consolidation of the military department headquarters staffs. The Secretary of Defense would reorganize the executive part of the military departments (as defined in the bill) by creating a single integrated staff, consolidating the separate and often duplicative civilian secretariat and military headquarters staffs that now exist.

The bill includes the following guidelines for the Secretary of Defense to follow in reorganizing the military department headquarters:

(1) Each military department shall have a single integrated staff for the executive part of the department rather than separate civilian secretariat and military staffs.

(2) Commissioned officers shall not be organized as a separate component within the staffs (other than a personal staff for the service chief).

(3) The functional assignments of assistant secretaries of the military departments shall be as uniform as possible.

(4) Civilian officials who are political appointees shall not be placed in a position subordinate to a military officer.

(5) The size of department staffs shall be reduced 15 percent from the combined size of the secretariat and military staffs by eliminating duplicative officers, shifting redundant operations and planning functions to appropriate joint staffs, and delegating responsibilities to subordinate commands outside the seat of government.

(6) Military staff functions relating to reserve components shall not be abolished or consolidated with other elements of the military department staffs. Each military department is authorized the position of administrative assistant, an office currently authorized in law for the Department of the Army.

(7) Each Secretary of a military department and each service chief may have a personal staff of not more than 30 persons.

(8) The authority of a service chief to exercise supervisory control over members of his service under his jurisdiction, especially with respect to personnel matters, is not to be altered by the reorganization.

The bill also restates the existing legal responsibility of the Secretaries of the military departments for the effective supervision and control of the intelligence activities of their departments and makes explicit the responsibility of the Secretary of a military department, in organizing, training, and equipping forces under the jurisdiction, to ensure the operational readiness of such forces.

TITLE V—MISCELLANEOUS

Title V includes provisions that would require an annual report on national security strategy and a management evaluation of the Office of the Secretary of Defense.

The national strategy report would be submitted by the President to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives. The report would be required to include a discussion of the vital interests, goals, and objectives of the United States throughout the world; a description of the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national strategy of the United States; a discussion of the proposed short term and long term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests or achieve the goals and objectives of the United States; a discussion of the adequacy of the capabilities of the United States to carry out the national security strategy of the United States; and other pertinent information.

The management study of the Office of the Secretary of Defense would be conducted by the Secretary. He would be required to examine the functions, divisions of responsibility, and management structure of the office including: organizational structure, allocation of functions, and possible alternatives; policy initiation, development, and articulation; how the organization relates military strategy and military planning to national policy and strategy; the exercise of civilian control; evaluation and oversight. The legislation would require a parallel study by an independent contractor on the matters specified in the Secretary's study. Both studies would be submitted to the Congress by the Secretary of Defense.

BACKGROUND

LEGISLATIVE HISTORY

On February 3, 1982, Gen. David C. Jones, the chairman of the Joint Chiefs of Staff, in a hearing before the committee, announced his concern about basic shortcomings in the organization of the Joint Chiefs of Staff (JCS). He further stated that he intended to submit proposals to correct those shortcomings and would work to achieve their acceptance in the remaining months of his tenure and thereafter. Subsequently, Gen. Edward C. Meyer, the Army Chief of Staff, joined General Jones in criticizing the present structure and suggested that the chairman had not gone far enough in his recommendations for change.

As a result of the proposals of General Jones and General Meyer, the committee began hearings on JCS reorganization on April 21, 1982. The committee received testimony from more than 40 witnesses, including the chairman and all current members of the Joint Chiefs of Staff, former Secretaries of Defense, former Deputy Secretaries of Defense, former chairmen and members of the Joint Chiefs of Staff, former Directors of the Joint Staff, commanders of unified commands, and other civilian and military witnesses. Although the hearings focused on the Joint Chiefs of Staff, the committee received disturbing testimony indicating the existence of severe problems in the organization of the unified and specified commands, the joint officer personnel management system, the office of the Secretary of Defense, and other elements of the defense structure.

With regard to the Joint Chiefs of Staff, the committee found near unanimous agreement that organizational problems hamper the performance of the present organization. But it received a wide range of views on what, if anything, should be done to correct the existing deficiencies. The recommendations varied from leaving the current organization unchanged to replacing it with a single Chief of Staff who would head a joint military staff and act as the military advisor to the President, the National Security Council, and the Secretary of Defense.

The hearings resulted in a bill (H.R. 6954) intended to overcome the most pressing JCS organizational problems. The bill was reported by the committee and passed the House of Representatives on August 16, 1982. The Senate held a hearing on the bill; however, no further action was taken by the Senate during the 97th Congress.

In 1983, the Administration developed a position and submitted a legislative proposal that was introduced as H.R. 3145. The committee again held hearings and reported a bill, H.R. 3718, that accepted all of the Administration recommendations and incorporated the essential elements of the original bill passed by the House of Representatives. Once again, the JCS bill passed the House.

In the meantime, the Senate Armed Services Committee initiated a comprehensive review of the overall structure of the Department of Defense in June 1983. The Senate approach was based on the view that the interrelationships among major Department of Defense organizations preclude focusing on the JCS structure in isolation. The Senate Armed Services Committee held a series of 12 hearings and received testimony from 31 witnesses in 1983. The committee staff was directed to undertake a comprehensive study of the organization and decision-making procedures of the Department of Defense and the Congress. That study effort continued throughout 1984 and 1985.

In 1984, after determining that the Senate would not act on free-standing JCS legislation during the 98th Congress, the fiscal year 1985 Defense authorization bill was amended to include the substance of H.R. 3718. Several provisions of H.R. 3718 were adopted in the House-Senate conference and were enacted. The 1984 changes constituted the first significant, though relatively modest, modifications to the structure of the Joint Chiefs of Staff in more than two decades.

The provisions enacted in 1984 made the chairman of the Joint Chiefs of Staff the spokesman on operational requirements of the unified and specified commanders, increased the tour of duty of Joint Staff officers from three to four years, reduced to two years the minimum time between assignments of an officer to the Joint Staff and removed the three-year limit on the tour of duty of the Joint Staff Director.

Moreover, the chairman of the Joint Chiefs of Staff was made responsible for selecting Joint Staff officers and determining when issues under consideration by the Joint Chiefs of Staff were to be decided. The Secretary of Defense was made responsible for ensuring that officer personnel management policies of the military services concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff.

In 1985, four bills on JCS reorganization were introduced in the House of Representatives. After the third series of hearings in as many Congresses, the committee reported a bill (H.R. 3622) on October 29, 1985 by a vote of 38–2 that would establish the chairman of the Joint Chiefs of Staff as the principal military advisor and require most of the changes, albeit in modified form, contained in the provisions in the JCS bills considered by the 97th and 98th Congresses. That bill passed the House on November 20, 1985 by a vote of 383–27.

The Senate Armed Services Committee, on October 16, 1985, published the staff study begun in 1983. The 645-page study, entitled "Defense Organization: the Need for Change" (S. Prt. 99–86), is the single most comprehensive congressional examination of the nation's defense establishment. In and of itself, the study makes a compelling case for comprehensive reform of the organization of the national defense establishment. Although authored by the Senate Armed Services Committee staff, the study was prepared with the guidance of and under the review of a task force of 9 members of the committee led by the chairman and ranking minority member. Following publication of the study, the committee held 10 hearings and received testimony from 27 witnesses concerning the contents.

Recognizing that the leadership of the Senate Armed Services Committee intended to make a concerted effort to address organization problems throughout the Department of Defense, the House Armed Services Committee, having completed work on the JCS bill, expanded the compass of its reorganization activities.

During February and March 1986 the committee held another series of hearings. Fifty-two witnesses were called to give their views on the major issues of defense organization. The following letter to the Secretary of Defense announcing the hearings details the issues examined by the committee.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, February 11, 1986.

Hon. CASPAR WEINBERGER,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: The Investigations Subcommittee of the House Armed Services Committee will hold hearings on the organization of the Department of Defense (DOD) beginning immediately after the February congressional recess. It is intended that these hearings be concluded in time for the subcommittee to draft legislation, if such action is deemed necessary, for the consideration of the full committee during the mark-up of the FY 1987 Defense Authorization Bill.

As you are aware, the House has already passed a Joint Chiefs of Staff reorganization bill. the purpose of the organization hearings this year is to consider other elements of the defense structure. Specifically, the hearings will focus on the following areas:

(1) The unified and specified commands. The subcommittee will seek to determine whether the unified commanders (CINCs) should be strengthened and, if so, in what ways. The subcommittee will examine the adequacy of the command authority exercised by the CINCs; whether each CINC should have greater control over the chain of command within this command; the assignment of forces to the combatant commands; the adequacy of arrangements for combatant command support and administration; whether the CINCs have sufficient influence in DOD resource allocation decisions, the organizational structure of their commands, and the training, equipping, and structuring of their forces; whether each CINC should have his own "operational force" budget for selected training, operations, C3I, etc.; the adequacy of CINC staffs; the CINCs' capability to evaluate the adequacy of their forces to accomplish assigned missions; and arrangements for reviewing and altering the unified command structure to meet changing worldwide conditions.

(2) The military personnel system as it relates to officers who perform joint military duties. The subcommittee has received testimony over the years since the JCS hearings began in 1982 suggesting that the education, training, and experience of joint officers has been insufficient to equip them for the crucial tasks they perform. Some witnesses also claimed that the subsequent careers of joint officers in terms of promotions, assignments, and other factors affecting future advancement and retention have not, as a group, equalled those of their peers who avoided joint duty. The subcommittee will explore various measures to institutionalize the recognition of joint duty as among the most important of assignments including: creation of a joint speciality similar to that proposed in the *Report for the Chairman, Joint Chiefs of Staff by the Chairman's Special Study Group*, April 1982; giving the joint military arena an official voice through the chairman of the Joint Chiefs of Staff in service promotions and assignment of officers who have served in joint billets; requiring that a joint assignment be a prerequisite for promotion to star rank; and revamping professional

military education to place more emphasis on joint military operations of planning. The subcommittee will also explore proposals to establish a full-fledged Armed Forces general staff.

(3) Consolidating the military department headquarters staffs. For years the apparent redundancy in the three top Department of Defense management headquarters—the Office of the Secretary of Defense, the military department secretariats, and the service military headquarters staffs—has been the target of studies calling for reduced layering and duplication. The subcommittee will explore whether it is feasible and desirable to reduce the three management layers to two. The most common proposal is to consolidate the service secretariats and the military headquarters staffs and thereby strengthen civilian control. The subcommittee will, however, be interested in hearing discussion of other schemes such as eliminating service secretaries and creating undersecretaries of defense for land, sea, and air.

(4) The defense agencies. Increasingly, the Congress hears calls (sometimes from incumbent DOD officials) for the elimination of several, or all, defense agencies. The subcommittee will consider the viability of the defense agency concept; whether agencies with missions to support combat forces are sufficiently responsive to combat-related operational requirements and capable of performing their war-time missions; and the adequacy of financial oversight of the defense agencies within the Department of Defense.

(5) The Senate defense reorganization bill. The Senate Armed Services Committee is at present engaged in drafting a defense reorganization bill. Although the subcommittee will focus on the areas outlined above, Members will be interested to receive testimony from witnesses on other issues raised by the Senate bill, if it becomes available.

Recognizing your policy against appearing before subcommittees, we request that you, or your designee, and other appropriate Department of Defense officials testify before the Investigations Subcommittee during the coming organization hearings. Although the subcommittee will attempt to hear from all of the officials you nominate, we request that the following be scheduled to testify: the secretaries of each military department; the Joint Chiefs of Staff; several unified and specified commanders; several defense agency heads; and the officials of the Office of the Secretary of Defense responsible for manpower and oversight of one or more defense agencies.

We hope that you, or your designee, will be the first DOD witness. We would like to schedule that appearance for Wednesday, February 19 at 9:30 a.m. in room 2216 of the Rayburn House Office Building. Remaining Department witnesses will be heard on February 20 and 21 and during the following week. Our contact for witness scheduling and other arrangements is Mr. Archie D. Barrett, 225–4256.

We realize that this letter imposes an additional burden on Department officials at a time when other pressing demands must also be met. It is important, however, that the Members of the House Armed Services Committee inform themselves quickly and thoroughly on the issues we have outlined. Increasing public demand for a reassessment of defense organization, and the Senate

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action in response, have placed the subject on the committee agenda. Consequently, we hope that you and your department will cooperate fully in assisting Members as they assess the full range of issues associated with defense organization.

Sincerely,

LES ASPIN,
Chairman.
BILL NICHOLS,
Chairman, Investigations Subcommittee.

Four bills were introduced in the 99th Congress addressing the issues: H.R. 4234, Armed Forces Combatant Reorganization Act; H.R. 4235, Joint Officer Capability Act; H.R. 4236, Military Department Reorganization Act; and H.R. 4237, a bill relating to improved oversight of defense agencies. These bills, together with H.R. 4068, a bill that would eliminate the Defense Logistics Agency and Defense Contract Audit Agency, became the framework for discussion, deliberation, and eventual markup of the defense organization legislation.

On March 11, 1986, the language in the bills was combined into one measure, H.R. 4370.

Impetus was given to the winter and spring efforts of the Committee on Armed Services by companion Senate efforts and the work of the President's Blue Ribbon Commission on Defense Management headed by Honorable David Packard. On February 28, 1986, the Packard Commission published "An Interim Report to the President" that included a number of recommendations for far-reaching organizational reform. Those proposals, endorsed en toto by the President, served as a strong encouragment to Members of both bodies engaged in the reorganization effort. In addition, on May 7, 1986, the Senate passed its own comprehensive Department of Defense Reorganization Act (S. 2295).

These actions reflect the culmination of five years of effort in the House of Representatives and three years of effort in the Senate. The flowering of this legislation has been characterized by the utmost cooperation among Members of both bodies. Each Armed Services Committee has, to its credit, led the way in exploring facets of the reorganization issue and shaping far-reaching, constructive changes. The effort has also been characterized by the complete absence of partisanship with which matters that affect the very survival of the nation should be approached.

THE NEED FOR CHANGE

The Department of Defense was established in the aftermath of World War II to maintain, and employ when necessary, the Armed Forces of the United States under the direction of the President as commander in chief and the Secretary of Defense, and in response to the legislative mandates of the Congress. Modifications of the original 1947 National Security Act in 1949, 1953, and 1958 resulted in an organizational structure of the Department of Defense consisting of four basic elements: the Secretary of Defense and his Office of the Secretary; the military departments containing the four military services; the Joint Chiefs of Staff together with the

Joint Staff; and the unified and specified commands—the former with subordinate service component commands.

The National Security Act, as amended, assigns the two principal functions of the department, *maintaining* and *employing* forces, to the organizational elements as follows: the Secretary of Defense is the head of the department, the principal assistant to the President in all matters relating to the department, and has authority, direction and control over the department. The military departments, consisting of the four services, are responsible, subject to the overarching authority of the Secretary of Defense, for *maintaining* forces—organizing, training, and equipping forces for combat and such associated responsibilities as research and development, logistics support, administration, training, maintenance, and construction. The *employing* functions are assigned to the Joint Chiefs of Staff, the Joint Staff, and the unified and specified commands. These functions include providing military advice to the President and Secretary of Defense, strategic direction of the Armed Forces, joint logistics planning, establishment of unified commands, the actual accomplishment of military missions assigned by the President or Secretary of Defense, and a number of other related matters.

If this is an accurate portrayal of the organization of the Department of Defense as established in law, it bears little resemblance to the actual organization and operation of the department. *The fundamental problem of defense organization is the dichotomy between the de jure and de facto organization of the department.* The law provides for the separately-organized military departments to serve as the sources of forces that shall be integrated into "an efficient team of land, naval and air forces" for "operation under unified command." Study after study over a period of decades, as well as the comprehensive committee hearings since 1982, suggest that the joint or unified side of the Department of Defense—the unified and specified commands, the JCS, and the Joint Staff—is weak, stunted in its organizational development. The same sources suggest that the strength of the services is such that their influence far transcends the maintaining functions—organizing, training, and equipping forces—and that, in fact, the services dominate almost all aspects of the employment side of the Department of Defense structure.

The four services are the bedrock foundation of the U.S. military defense structure. They transform civilian recruits into strong, highly trained, motivated, fighting forces. They constantly explore emerging technologies to discover ways to improve the munitions and equipment they provide to their forces. In myriad ways, the services support the most complex, technically-advanced military organization the world has known.

But, valuable as they are, the services are not the organizations that should dominate the U.S. military organization for *employing* military forces. The services are constantly seeking to safeguard their own independence, to increase their share of the defense budget, to develop their own force structure, and to justify their existence to the Congress and the American people. Consequently, the services are hardly the organizations to trust with joint, cooperative, integrated military matters.

Yet, as President Eisenhower told the Congress in 1958, joint operations are the essence of modern warfare:

> Separate ground, sea and air warfare is gone forever. If ever again we should be involved in war, we will fight it in all elements, with all services, as one single concentrated effort. Peacetime preparatory and organizational activity must conform to this fact. Strategic and tactical planning must be completely unified, combat forces organized into unified commands, each equipped with the most efficient weapons that science can develop, singly led and prepared to fight as one, regardless of service.

Congress did not heed Eisenhower's words in 1958. It failed to legislate sufficiently strong safeguards that would ensure that the concept of defense organization embodied in the law would be realized in fact.

THE JOINT CHIEFS OF STAFF

The committee reported on the implications of this failure with respect to the flawed organization of the Joint Chiefs of Staff and the resulting problems in two previous reports accompanying JCS legislation (H. Rept. 98-382, September 27, 1983 and H. Rept. 99-375, November 14, 1985).

The statement of former Secretary of Defense Melvin R. Laird, quoted in the 1985 report, exemplifies the problems of the Joint Chiefs of Staff. Testifying as a spokesman for the Georgetown University Center for Strategic and International Studies Defense Organization Project, Laird summed up many of the Joint Chiefs of Staff shortcomings as follows:

> Professional military advice that rises above individual service interests to provide a broader cross-service perspective is an essential ingredient for the effective direction and management of the defense establishment.* * * Today that advice comes primarily from the services,* * * What is lacking is an independent, cross-service perspective. As now organized, the JCS are too frequently unable to provide effective, cross-service advice on issues that affect important service interests or prerogatives. These issues include the most important on the JCS agenda; the formulation of national military strategy, the distribution of service roles and missions, and particularly the allocation of scare defense resources among competing needs.* * *
>
> The absence of a strong independent joint military voice also undercuts the strategic planning process that links ends (national objectives established by political authorities) and means (the military forces weapons, and capabilities develped by the service departments). The chairman is the only member of the JCS who is unconstrained by current service responsibilities. But he lacks both the staff and the statutory mandate to make consistently meaningful strategic planning recommendations on the broad range of subjects required. The service chiefs, on the other hand, control large staff, but the inherent conflict between

their joint and service responsibilities has precluded their effective participation in resource planning. * * * As a result, the JCS are unable to help civilian leaders set cross-service priorities and make the necessary tradeoffs to construct the defense program and budget.

The committee recommended, and the House of Representatives accepted, a number of changes to the Joint Chiefs of Staff organization in H.R. 3622, the Joint Chiefs of Staff Reorganization Act of 1985. The legislation would:

(1) Make the chairman the principal military advisor to the President, the National Security Council, and the Secretary of Defense;

(2) Extend the term of the Chairman of the Joint Chiefs of Staff and authorize the Secretary of Defense to route the operation chain of command through him to the unified and specified commanders;

(3) Give the chairman control over the Joint Staff;

(4) Create the post of deputy chairman of the Joint Chiefs of Staff to act for the chairman in his absence and thus ensure continuity of operations and leadership;

(5) Give the chairman or his deputy a voice in the deliberations of the National Security Council;

(6) Make the chairman the supervisor of the unified and specified commanders subject to the authority, direction, and control of the Secretary of Defense; and

(7) Strengthen the Joint Staff.

In its June 28, 1986 final report, *A Quest for Excellence,* the President's Blue Ribbon Commission on Defense Management, headed by the Honorable David Packard, recommended several measures with respect to Military Organization and Command that paralled the provisions of the House Joint Chiefs of Staff bill:

(1) Current law should be changed to designate the Chairman of the Joint Chiefs of Staff (JCS) as the principal uniformed military advisor to the President, the National Security Council, and the Secretary of Defense, representing his own views as well as the corporate views of the JCS.

(2) Current law should be changed to place the Joint Staff and the Organization of the Joint Chiefs of Staff under the exclusive direction of the Chairman, to perform such duties as he prescribes to support the JCS and to respond to the Secretary of Defense. The statutory limit on the number of officers on the Joint Staff should be removed to permit the Chairman a staff sufficient to discharge his responsibilities.

(3) The Secretary of Defense should direct that the commands to and reports by the Commanders-in-Chief of the Unified and Specified Commands (CINCs) should be channeled through the Chairman so that the Chairman may better incorporate the views of senior combatant commanders in his advice to the Secretary.

(4) The Service Chiefs should serve as members of the JCS. The position of a four-star Vice Chairman should be established by law as a sixth member of the JCS. The Vice Chairman should assist the Chairman by representing the interests

of the CINCs, co-chairing the Joint Requirements and Management Board, and performing such other duties as the Chairman may prescribe.

(5) The Secretary of Defense, subject to the direction of the President, should determine the procedures under which an Acting Chairman is designated to serve in the absence of the Chairman of the JCS. Such procedures should remain flexible and responsive to changing circumstances.

THE UNIFIED AND SPECIFIED COMMANDS

The committee found flaws in the structure of the unified and specified combatant commands that rival in their implications the flaws in the Joint Chiefs of Staff structure.

The most serious flaw concerns the authority and influence of combatant commanders. Who is in charge of U.S. forces? Who is responsible? Who is accountable? Does the commander who is assigned responsibility possess comparable authority to accomplish his mission? Does he have the clout to ensure that he has the forces and resources to accomplish his mission? In attempting to answer these questions, the committee discovered that U.S. military command authority is usually, and intentionally, diffused, almost always divided in bewilderingly complex ways, and often delegated through myriad layers that literally encourage misunderstanding of the orders of higher authorities.

The command structure during the Vietnam war, for example, almost defies description. The Vietnam command, which eventually included nearly one-fourth of all U.S. military personnel, remained, as it began, a sub-command under the U.S. Pacific Commander (located in Hawaii) who was and is responsible for the Pacific Ocean from the Aleutians through the Strait of Malacca, and the Indian Ocean. As the war escalated, the Army proposed that the Vietnam commander should be a full unified commander reporting directly to the Secretary of Defense. But the issue was too tough for the Joint Chiefs of Staff to handle and formal command arrangements remained unchanged. As a result, a second, less official, but more authoritive, direct command link between Washington and Saigon emerged.

Divided overall command was further complicated by the arrangements for air forces. The Vietnam commander was responsible for air operations in Vietnam. The Pacific commander conducted air operations against North Vietnam and the Laotian panhandle through separate subordinate Navy and Air Force commands. When B–52 bombers were introduced, they remained under the direct command of the Strategic Air Command, headquartered in Omaha, Nebraska.

Thus, the U.S. fought four air wars in Southeast Asia, and top commanders responded to two redundant chains of command. No service was willing to relinquish a part of its control in order to further the joint war effort. The Joint Chiefs of Staff, a committee of service chiefs, was structurally unable to iron out command differences. And even if it could have done so, the Joint Chiefs of Staff lacked the clout to enforce its conclusions.

Senator Barry Goldwater, in one of a series of October 1985 speeches on Defense Department deficiencies, commented on the command problems in Vietnam as follows:

> In Vietnam, we never had unity of command. Unity of command is one of the fundamental principles of any military operation. Every West Point plebe knows that. It means that there's only one commander. It means there is only one chief and he's over all the Indians—no matter what tribe. In his "Maxims of War," Napoleon said: "Nothing is so important in war as an undivided command." Too many cooks mean spoiled broth, and too many commanders mean lost battles. General Westmoreland never had command over all the forces in the Vietnam theater. Single service interests continued to block and frustrate unity of command and joint operations. For example, Gen. David Jones, a former Chairman of the Joint Chiefs, has observed:
>
> > Each service, instead of integrating efforts with the others, considered Vietnam its own war and sought to carve out a large mission for itself. For example, each fought its own air war, agreeing only to limited measures for a coordinated effort. "Body count" and "tons dropped" became the measures of merit. Lack of integration persisted right through the 1975 evacuation of Saigon—when responsibility was split between two separate commands, one on land and one at sea, each of these set a different "H-hour," which caused confusion and delays.
>
> I don't need to dwell on the outcome of our more than 10-year military commitment in Vietnam.

The bombing of the Marine barracks at the Beirut Airport in 1983 demonstrated that command problems have not been corrected since Vietnam. The committee conducted the congressional inquiry. Responsibility for the tragedy was laid on the shoulders of the commander on the ground and his superiors in the chain of command. The committee concluded that "the higher elements of the military chain of command are * * * accountable for failing to exercise sufficient oversight of the MAU [Marine Amphibious Unit]."

But responsibility is only one side of the coin. The other side is authority to carry out a responsibility. Military commanders are held responsible for all that occurs or fails to occur in their command. The testimony received in the Lebanon investigation, however, indicated that the authority of the European commander and his subordinates was not commensurate with their responsibilities for employing U.S. forces in that theater. At the same time, the Commandant of the Marine Corps made it clear, in his testimony, that he possessed neither the authority nor the responsibility to command the Marines in Beirut.

After extensive hearings this year, the committee can affirm that the combatant commanders, the unified and specified commanders, lack authority commensurate with their responsibilities.

They are responsible for the very survival of the nation if war should come because they are our combat commanders. Yet, incredibly, their authority is limited in such areas as exercising command; organizing their commands; training their forces; employing forces as they see fit; establishing the chain of command to their subordinates; selecting their subordinate commanders and dismissing them; exercising courts-martial authority; budgeting for joint training, contingencies, and command and control; and influencing the flow, quality, quantity, and placement of equipment and logistic support.

In 1983 the committee faulted the Department of Defense for the serpentine chain of command that extended through six layers, with two "sub-layers," and criss-crossed the Western Hemisphere from Washington to Mons, Belgium to Stuttgart to London to Naples to the Sixth Fleet in the Mediterranean to the amphibious task force off Lebanon before finally reaching the Marine commander on the ground at the Beirut Airport. The committee also faulted the military chain of command for failing to exercise sufficient oversight of the Marines and criticized the military for "confusion over the actual chain of command" suggesting that this "may be one more indication of the failure of higher echelons to exercise sufficient supervision and oversight of lower command levels." Considering the limitations on command authority discovered by the committee in 1986, however, is it surprising that higher authorities failed to shoulder their responsibilities?

In a few months, three years will have passed since 241 young Americans died in the terrorist attack on the Marines at the Beirut Airport. No member of the Committee on Armed Services who took part in the investigation into that disaster will ever forget it; the magnitude of the tragedy, experienced firsthand, seared the consciousness of the members indelibly. Two hundred and fifty-three Americans died when the battleship *Maine* was blown up in Havana Harbor on February 15, 1898. The United States responded by going to war with Spain. What has been America's response to the deaths of 241 Americans on October 23, 1983? It may not be as dramatic, but for the Committee on Armed Services the answer lies in the most far-reaching reform of the U.S. military command structure in modern history.

JOINT OFFICER PERSONNEL MANAGEMENT

Interspersed throughout the testimony since 1982 are constant reminders that the weak joint organizational structure is accompanied by an equally unsatisfactory personnel management system that fails to man joint positions with officers possessing the requisite capabilities in terms of talent, education, training, and experience. The Joint Chiefs of Staff legislation in 1982 and 1983 focused on joint personnel management problems affecting the 400 members of the Joint Staff. But the problem is much more widespread. It extends to joint positions throughout the U.S. military structure, and, in fact, is symptomatic of a general insensitivity among the officer corps to the implications of President Eisenhower's dictum that future wars will be fought jointly—"separate ground, sea, and

air warfare is gone forever"—and, in the words of the National Security Act, by an integrated "team of land, sea, and air forces."

Evidence of the absence of the joint perspective and its implications is overwhelming. Excerpts from testimony and studies provide a compelling argument for legislation.

From the 1985 Committee on Armed Services Joint Chiefs of Staff report (H. Rept. 99-375):

> The quality of Joint Staff work is adversely affected by the overwhelming influence exerted by Service interests on the joint military organization. The Joint Staff is managed "on behalf of the Joint Chief of Staff." The Service chiefs, who comprise four of the five Joint Chiefs of Staff members, have fashioned crippling procedural constraints that give inordinate influence to Service staffs, thereby preventing the Joint Staff from authoring its own work.

From the 1984 Heritage Foundation Defense Assessment Project (in *Mandate for Leadership II*):

> The Joint Chiefs of Staff and their Joint Staff are tasked by law and by Department of Defense directive to develop strategies and contingency plans that require unified strategic direction. Yet, the JCS and the Joint Staff have not been an effective force in strategy planning. The reason is that the individual Services dominate the joint process. Today the Army, Navy, Air Force and Marine Corps vie with each other for the resources necessary to carry out their own Service-centered strategies. Each is convinced that its forces and capabilities are the most important in attaining the nation's objectives. Beyond the goal of deterring nuclear war, the Navy has pressed for a Maritime strategy, while the Army has put forward a Continentalist approach in which its forces would play a more central role. Both compete with the Air Force's strategic air power interests. The prize is the resources that would allow them to shape forces in molds of their individual making.
>
> This situation is unsatisfactory. American military strategies must be based on an evaluation of the nation's interests and objectives—and the threats to those interests and objectives. Military strategy formulation should be handled by the Joint Staff, in coordination with the commanders of the combatant commands (CINCs) and Services.

From the 1985 Investigations Subcommittee testimony of Dr. Theodore J. Crackel, who headed the Heritage Foundation Defense Project:

> There is, of course, nothing new about the problems caused by the juxtaposition of a weak joint staff system and the strong Service Departments. It is a problem inherent in the compromises that created the JCS. For years studies have been calling for a strengthened joint system. The fact is, what we have is a defense structure that actually encourages the promotion of the interests of each individual service over the national interest. This system

> makes it difficult for joint staff officers to produce persuasively argued joint papers that transcend Service positions. Officers serving on the joint staff have to look to their services for future promotion and assignments. They soon learn that their services view them as representatives of the service interests, and are made to feel—and occasionally see evidence—that repeated bucking of the system will have dire career consequences. The services dominate the joint staff—top and bottom.

From the 1982 Investigations Subcommittee testimony of General David C. Jones, former chairman of the Joint Chiefs of Staff:

> In sum, the current Joint Staff process encourages compromise, relies too heavily on Service participation, depends on staff officers who are well-versed in Service interests but are ill prepared to address issues from a joint perspective.

From the 1978 *Report on the National Military Command Structure to the Secretary of Defense* (the Steadman report):

> It is difficult for the Joint Staff to perform creditably under these procedures. The problem has been compounded by the historic unwillingness of the Services to heed the pleas of various Secretaries of Defense and Chairmen of the JCS to assign their most highly qualified officers to the Joint Staff. The Services have not perceived such duty as being of the highest priority and have made their personnel assignments accordingly. Many of the best officers have noted this fact and thus avoid a Joint Staff assignment if at all possible. In consequence, while the Joint Staff officers are generally capable, the very top officers of the Services more frequently are on the Service staffs.

From the 1982 Investigations Subcommittee testimony of the authors of *The Organization and Functions of the Joint Chiefs of Staff*, a report prepared at the request of the chairman of the Joint Chiefs of Staff:

> 1. *Officer Preparation and Assignment.* There are about 4,600 officer positions in U.S. Joint headquarters. While that is only three percent of all the officers in the four Services, it accounts for thirteen percent of the generals and admirals, six percent of the colonels and Navy captains, and six percent of the lieutenant colonels and commanders. The officers in these positions have major and complex responsibilities, frequently quite different from the tasks they have been trained for within their parent Services. Officers on the Joint Staff analyze major national issues such as arms limitation proposals, national security objectives, Joint military operation plans, and other topics that require a depth of knowledge of the several Services, of defense strategy, of the overall defense program, and of how business gets transacted in the Pentagon. They must develop complex planning and information systems, such

as those required to support the preparation and execution of complex military operation plans.

There is now no systematic, effective plan for assuring that officers assigned to Joint duty have the requisite staff experience, technical knowledge of Joint systems, practical knowledge of DoD staff activities, and sense of the imperatives of Joint military preparedness to deal effectively with their responsibilities. The Services would not think of manning a submarine or an aircraft or an infantry battalion the way they staff Joint headquarters. Here are some of the statistics. Of the officers serving in the Organization of the Joint Chiefs of Staff at the time of our analysis:

a. Only two percent had previous Joint Staff experience. Only about one third even had prior Service staff experience—that is, experience in the Washington arena. Most were assigned directly from the field without training.

b. Only thirteen percent had attended the five-month resident course at the Armed Forces Staff College specifically aimed at training young officers for Joint duty.

c. Althought two-thirds of the colonels and Navy captains had been to one of the five senior military colleges—the three Service war colleges, and the two Joint schools (the National War College and the Industrial College of the Armed Forces), less than one-quarter had been to either of the two Joint schools. And while improvements are being made, the two Joint schools have not focused specifically on educating officers for Joint assignments.

d. Their average tour length is less than thirty months. This means that at any given time their average experience level on the Staff is about fifteen months. And there is virtually no corporate memory. The law limits both repetitive tours and tour lengths, and even if it didn't, there are few if any incentives for lengthy or repetitive tours as the system is now managed.

e. The normal tour of general and flag officers is twenty-four months, even less than that of their subordinates. Thus the average level of experience on the Joint Staff for generals and admirals is about one year. Moreover, for those who served during the past five years, less than sixty percent had served previously in any kind of Joint assignment, even though DoD policy states that a Joint duty assignment is a prerequisite to promotion to flag rank and Joint duty for that purpose is very broadly (actually, too broadly) defined.

This combination of lack of Washington staff experience, lack of practical knowledge of Joint activities, and lack of formal preparation through the Joint school system—coupled with the very short tours without repetition—makes it very difficult for Joint Staff officers, no matter how capable, to deal effectively with their responsibilties. Thus, the Chairman and the JCS as a corporate body are similarly handicapped.

Actually, Joint assignments are seldom sought by officers. There are few rewards and there are significant haz-

ards. A Joint position removes them from the environment for which they've been trained, in which they have established relationships and reputations, and in which they seek advancement. Joint duty places them in a wholly new environment involving unfamiliar procedures and issues for which most of them have little or no formal training. Their fitness reports, which affect their careers and prospects for advancement, are often entrusted to officers of other Services with little in common by way of professional background. This makes them apprehensive.

Adding to these concerns is the perception that much of the work in Joint duty assignments is unproductive. Too much effort is wasted on tedious inter-Service negotiation of issues until they have been debased and reduced to the "lowest common level of assent", as noted by Mr. Steadman in his 1978 report.

Thus the general perception among officers is that a Joint assignment is one to be avoided. In contrast most Service assignments are widely perceived as offering much greater possibilities for concrete accomplishment and career enhancement. As a result, many fine officers opt for Service assignments rather than risk Joint duty.

From the 1970 Blue Ribbon Defense Panel *report on the Department of Defense to the President and Secretary of Defense:*

> Lost in the process is the advantage of a joint staff, which, ideally, should be able to provide a more national viewpoint than staffs which are Service-oriented. This is because the procedure injects the joint participant into the process as little more than a coordinator of the views of the several services.

From the 1986 Investigations Subcommittee testimony of Admiral Harry D. Train, USN (Rept.), former Commander-in-Chief of the U.S. Atlantic Command:

> There should be some form of protection against intimidation * * *. I don't know exactly what form that protection can take, but I can tell you that intimidation does occur. Not retribution, intimidation—and there is an important difference between the words.
>
> There is also the phenomenon of the services being reluctant on occasion to send their best officers to the Joint Staff for fear that those best officers will do the joint job too well, to the detriment of the Service's perceived interests. In other words, there is the fear of success on the part of good officers should they be assigned to the Joint Staff. And, in addition, the services correctly feel that they need their good officers on their own staffs to fulfill their service interests.
>
> * * * * *
>
> When I testified * * * in 1982, I made the point that prior to the time I served as director of the Joint Staff, I served a tour as the Deputy Director for Strategic Plans

and Policy on the Navy staff. Although I had at that time served two tours of duty on the Joint Staff, myself, and thought I understood it pretty well, I was in the business of having to intimidate Naval officers on the Joint Staff in order to accomplish what I had to do at the time.

And I am not one who thrives on intimidation. But the joint action process does lend itself to people in the services who feel that their own officers are obstructing that Service goal or that Service position. They succumb to the temptation to attempt to intimidate by saying such things as "Don't you know what color uniform you are wearing and what Service you are going to come back to when you finish your tour on the Joint Staff?"

But the retribution that has been suggested in the course of these deliberations, I have not seen that occur. I honestly cannot say I have ever seen retribution. The intimidation is there, but I have never seen it backed up with retribution, and that is an important point.

From the 1986 Investigations Subcommittee testimony of Vice Admiral Thor Hansen, USN (Ret.):

My tour as director of the Joint Staff was my first on the Joint Staff. On the other hand, I had two tours that were good, true qualifying tours for joint duty * * *. But * * * a lot of people who are "qualified", who arrive for flag rank or general rank, are qualified by very, very slim means.

I will give you an example. My tour as Naval aide to the Secretary of the Navy was counted by the Navy as a qualifying tour for joint duty, which is, it seems to me, very silly. I had two other qualifications anyway, so it didn't make that much difference.

I think also, as a matter of fact, when I was a lieutenant and had been on the OPNAV [Navy Department Military Headquarters Staff] and worked on Joint Paper 61, that was considered a qualifying tour too. I had to work with the joint system, yes, but I was certainly arguing very strongly for Navy positions and not for joint ones.

So what I am saying here is that over the years the services have tended to try to qualify for all kinds of things that really aren't joint duty, to help someone to get to be selected for flag rank, to be qualified for selection. But my point is that there are problems in the present system of producing qualified, repeat officers in this joint arena.

* * * * *

I can give you an anecdote on intimidation, as a matter of fact, myself. And I would agree with Admiral Train, I don't know of any retributions that have been used. But when I was a commander on the systems analysis staff, in Secretary of Defense office, I worked very hard on a proposal that would have modified, did end up modifying, some B-52 bombers to give them a mining capability. It seemed to me and others that I was working on a very

> wise thing to do to help the Navy in its mining mission. There were those in the Navy staff, however, who didn't like that idea at all, because it was giving the Air Force a leg up on a Navy mission, and the word came down that they were not too happy with that commander down there who was doing that kind of work. That was intimidation, in a sense. It wasn't retribution. There was some intimidation, and it was very carefully sent down to me to let me know that that was not liked. Those things happen, yes.

The 1985 Staff Report to the Senate Committee on Armed Services, *Defense Organization: The Need for Change*, prepared under the direction of James R. Locher, contains the most disturbing indictment of the officer corps. It finds that officers knowingly champion service over broader security needs and believe themselves to be acting correctly.

> The problem is more deep-seated than can be corrected by mere organizational realignments. The core of this problem is the basic attitudes and orientations of the professional officer corps. As long as the vast majority of military officers at all levels gives highest priority to the interests of their service or branch while losing sight of broader and more important national security needs—and believes that their behavior is correct—the predominance of service influence will remain a problem.

The committee concluded that nothing short of legislative enactment of a joint officers personnel management system would suffice to correct the situation revealed by the testimony. In devising the system the committee sought to achieve three objectives:

> (1) Increase "jointness" of military personnel in joint assignments so that their efforts are focused on improving the capability of U.S. forces to accomplish military missions requiring the integration, cooperation, and teamwork of units from two or more services.
>
> (2) Ensure that the best personnel in terms of education, training, experience, and talent serve in joint assignments.
>
> (3) Enhance joint thinking, perspective, and appreciation throughout the Armed Force.

To achieve these objectives, the committee focused on improving the selection of officers assigned to joint duty, ensuring that they receive adequate joint education and experience before undertaking key joint assignments, and safeguarding their careers—promotions and assignments.

The idea for the joint officer personnel system adopted by the committee originated in the 1982 report entitled *The Organization and Functions of the Joint Chiefs of Staff* cited above:

> *Improve the preparation and experience levels of Service officers assigned to the Joint Staff and other Joint activities such as the Unified Command headquarters.* Establish in each Service a Joint-duty career specialty open to selected officers in the grade of 0-4 and above. Such officers would be nominated by the Service Chiefs and approved by the Chairman, both for selection in the specialty and for

later assignments to Joint-duty positions. The officers would be educated at Joint schools (AFSC, NWC, ICAF). They would serve primarily in Joint-duty positions, but would return periodically to their parent Services for field assignments to maintain currency. Perhaps half of the positions on the Joint Staff and in other Joint headquarters would be filled by such officers, thus retaining an essential mix of officers with varied backgrounds (including command experience) on the staffs, and assuring that the Joint Staff particularly would not become isolated or in any sense a "general staff." The provisions of the U.S. Code that now restrict the length of and interval between officer assignments to the Joint Staff, as well as the size of the Joint Staff, should be eliminated through legislative action. To assure that officers in the Joint-duty career specialty have adequate promotion opportunities, Service promotion boards selecting officers for promotion to 0–5 and above should have appropriate representation from the Joint Staff or other major Joint headquarters. Written guidance should be furnished to each promotion board that states explicitly that the selection process should (1) emphasize the advancement of the best officers in all specialties, including those in the Joint specialty, and (2) recognize the importance and value of Joint-duty experience and accomplishments. In another step designed to reflect greater awareness of Joint needs, a program should be established for increasing the frequency of cross-Service assignments aimed at improving the awareness within each Service of the characteristics, traditions, capabilities, and problems of the other Services. Finally, the appointment of a limited number of civilian specialists to Joint positions should be considered as a way to strengthen continuity and to provide expertise that may not be readily available within the career officer corps.

The joint specialty idea was later recommended in *Toward a More Effective Defense*, the final report of the Georgetown Center for Strategic and International Studies Defense Organization Project, published in 1985, that was endorsed by six former secretaries of defense:

> Giving the chairman greater authority over the Joint Staff would only improve cross-service military advice if the military personnel system were also modified so that officers were attracted to, trained for, and rewarded for service in joint positions. Toward this end, we recommend that each service establish a "joint specialty" that selected officers could enter in addition to their normal service specialties. These officers would be trained at existing joint schools and could spend up to half of their subsequent assignments in joint positions—the staffs of the unified and specified commanders, OSD offices and other civilian agencies, as well as the Joint Staff. In this context it would be necessary to remove the remaining statutory restrictions on Joint Staff tenure and reassignments.

It is not contemplated that all joint positions would be filled by officers with a joint specialty. Instead, we believe that there should be a mix of officers with varied backgrounds and specialties in joint positions to ensure that these staffs do not become isolated or in any sense a general staff. Finally, to ensure that officers with joint specialties have adequate promotion opportunities, an officer with a joint specialty should be included on service promotion boards for colonels/captains and flag and general officers.

MILITARY DEPARTMENT HEADQUARTERS CONSOLIDATION

Each military department headquarters contains a staff for the Secretary and an additional staff for each service chief.

The secretariat, nominally civilian but containing a significant number of military personnel, consists of the under, assistant, and deputy assistant secretaries and their associated staffs. Secretariat officials are assigned such functional responsibilities as installations, logistics, financial management, manpower, reserve affairs, research and development, shipbuilding, and acquisition. Secretariats vary in size from 300 to 800 personnel. At the end of fiscal year 1985 the Army Secretariat numbered 368 individuals; the Navy, 806; the Air Force, 304.

The military headquarters staffs, headed by the service chiefs, number in the thousands. In addition to a vice chief of service, the military headquarters contain a number of deputy and assistant chiefs of service with such functional responsibilities as personnel, logistics, research and development, acquisition, program analysis, reserves, National Guard, comptroller, military medicine, chaplain, military operations, military plans, and military intelligence. The military headquarters, though predominately staffed with military personnel, contain a significant number of civilians. At the end of fiscal year 1985 the Army staff numbered 3211 personnel; the Navy, 2029; the Marine Corps, 503; and the Air Force, 2769.

Why is it necessary to have separate service secretariats and military headquarters staffs containing many duplicative offices responsible for performing the same functions? Why not move away from a military department headquarters structure that is obviously a holdover from the era preceeding the creation of the Department of Defense and thus reduce the bureaucratic layering in the top management of the Pentagon? Questions such as these have been raised repeatedly for decades.

The *Report on Reorganization of the Department of Defense* prepared by Senator Stuart Symington in 1961 for President-elect Kennedy, called for a change in organization "to minimize the duplication and delay growing out of the present multiple layers of control. * * *" Although separate military services would be retained, the Symington report recommended "the elimination of the present departmental structure of the Army, Navy and Air Force."

In 1970 the Blue Ribbon Defense Panel *Report to the President and the Secretary of Defense on the Department of Defense* pointed out the "substantial duplication in all military departments between the secretariat staffs and the military staffs." The report

went on to demonstrate, as an illustration, that the "duplication of assignments of comptroller-type functions between the Assistant Secretary (Financial Management) and the military comptroller in the Department of the Army and the Department of the Air Force are numerous." The Navy, however, "has combined the functions of comptroller in one office, * * *" thus demonstrating "the feasibility, and avoidance of duplicative assignment of functions, * * *." The report suggested that other functions could be consolidated and recommended that "the secretariats and service military staffs should be integrated to the extent necessary to eliminate duplication."

In a 1976 report titled *Suggested Improvements in Staffing and Organization of Top Management Headquarters in the Department of Defense,* the General Accounting Office concluded that, although the Blue Ribbon Defense Panel had not demonstrated that actual duplication existed, "the proposal that the secretariats and service military staffs be integrated to the extent necessary to eliminate duplication is sound."

Also in 1976, the Defense Manpower Commission addressed the issue of duplication in the Department of Defense. Its report pointed out that the Office of the Secretary of Defense should be taken into account as a third layer (in addition to service secretariats and military headquarters staffs) in any examination of overlapping Pentagon headquarters. The commission concluded that two layers should be sufficient:

> Three layers at the Department of Defense (DOD) executive level involved in manpower and personnel policy, planning and programming, and to some extent operations, appear to be excessive. Given the basic nature of the Department of Defense, two layers * * * should suffice * * *.

The 1978 *Departmental Headquarters Study* also called for realignment of the military headquarters staffs. It concurred with the collective conclusion of previous studies, pointing out that layering is a serious organizational flaw that results in excessive, time-consuming, redundant review levels. The *Departmental Headquarters Study* also broached the subject of civilian control in its call for "greater recognition of the [service] Secretary's authority and position, concurrent with more explicit accountability." Its recommendations included "selective integration" of the service secretariats and military headquarters staffs through

(1) integration of the "Research and Engineering Staffs now separately reporting to the Assistant Secretary and Service Chief, allowing for joint responsibilities to the Service Secretary and Service Chief * * *."

(2) "common access for both the Service Secretary and the Service Chief to the * * * Systems Analysis, Inspector General, and Audit Service Capabilities" of each military department;

(3) elimination of assistant secretaries for manpower, reserve affairs, and logistics in each military department, "placing reliance for conduct of these functions on the respective Service Chiefs and on the OSD staffs in these two functional areas."

The committee has concluded that it is time for the Secretary of Defense to respond to the calls for reduced layering of the top Pentagon management headquarters. Consolidating the service secretariats and military headquarters staffs would reduce the existing nine major Pentagon headquarters staffs to six and eliminate one entire level of bureaucracy.

With regard to layering and duplication, the committee believes that military department consolidation should be viewed in light of the recommendations of the Final Report to the President by the President's Blue Ribbon Commission of Defense Management (the Packard Commission). The report, entitled *A Quest for Excellence*, recommends strengthening procurement through establishment of an acquisition executive in each military department who would supervise the performance of the departmental acquisition system. His immediate subordinates in the acquisition chain would be program executive officers (PEOs), each of whom would be responsible for several acquisition programs. Below the program executive officer would be much-strengthened program managers. "Program managers * * * would be responsible directly to their respective PEO and report *only* to him on program matters."

In order to accommodate the streamlined procurement chain, consolidation of the secretariats and military headquarters staffs may be required. To take the Air Force as an example, it is likely that the Assistant Secretary for Research, Development and Logistics will serve as the Acquisition Executive; next in the acquisition chain will probably be the Commander of the Air Force Systems Command; and next, the program managers. The Air Force military headquarters staff and the Chief of Staff of the Air Force would be completely cut out of the Packard acquisition chain. At present, however, almost all of the staff support to assist the Assistant Secretary for Research, Development and Logistics, should he become the acquisition executive, is in the Air Force military headquarters staff. As the Assistant Secretary, he has a very small staff. The expertise he needs is in the Air Force military headquarters staff where the research and development Deputy Chief of Staff has hundreds of people, including entire offices devoted to manufacturing, labor affairs, contract pricing, contract procurement, contract administration, industrial policy, development and acquisition management, test and evaluation, etc.

Consolidation of the secretariat and military headquarters staff would integrate the separate research and development staffs at each level. Duplication would be eliminated. The Assistant Secretary for Research and Development would gain the staff expertise necessary to perform his new role. The Air Force Chief of Staff, with his proper role as the ultimate authority on military requirements, would have a direct line to the Assistant Secretary for Research and Development through the Deputy Chief of Staff for Research and Development who would respond to the Chief of Staff as well as the assistant secretary.

The consolidation issue should also be viewed in terms of civilian control as broached in the Departmental Headquarters Study cited above. Secretary of the Navy John Lehman has indicated that when he assumed his position, the Navy staff spent approximately six months developing a Navy budget; he and his secretariat, on

the other hand, were given three days to review it! That is not civilian control. Secretary Lehman has changed the process that he inherited so that he and his staff go through the budget process hand-in-hand with the Navy staff. Lehman has stated that he has, in effect, integrated the two Navy headquarters staffs, although the organization charts do not reflect it. He is a strong supporter of legislation that would result in *de jure* consolidation of the service secretariats and the military headquarters staffs. Only in this way will the procedural integration that Secretary Lehman has achieved survive his tenure.

DEFENSE AGENCIES

In the 1958 revisions to the National Security Act, the Secretary of Defense was authorized to create single agencies to perform "a supply or service activity common to more than one military department * * * whenever he determines it will be more effective, economical, or efficient, * * *." Various secretaries have exercised that authority to establish such agencies as the Defense Logistics Agency, the Defense Contract Audit Agency, the Defense Intelligence Agency, and the Defense Mapping Agency.

Have defense agencies lived up to their expected potential? Are they more *effective,* or more *economical,* or more *efficient* in their performance than were the military departments when they performed the functions now assigned to defense agencies? What is the evidence?

A number of critics think that the agencies have not measured up. Some appeared before the committee. In addition, a bill (H.R. 4068) was referred to the committee that would have eliminated the Defense Logistics Agency and the Defense Contract Audit Agency.

The most recent report on defense agencies, *The Defense Agency Review,* prepared under the direction of Major General Theodore Antonelli, USA (Ret.), emphasized that the agency concept, as a management tool for the Department of Defense, has never been evaluated, despite more than 20 years of experience with defense agencies. The principal recommendation of the report was for such an in-depth evaluation.

The report also identified several serious issues concerning defense agencies that support combat forces—the Defense Logistics, Intelligence, Communications, and Mapping Agencies. The report questioned the capability of the agencies to support combat forces in crises or wartime; the effectiveness and accountability of the agencies' management structure; and the division of authority and responsibility among the agencies, services, Office of the Secretary of Defense, and the Joint Chiefs of Staff.

In light of the criticisms of the defense agencies, and the recommendations of the *Defense Agency Report,* an in-depth review of the functions of defense agencies is appropriate.

Discussion of Selected Provisions of the Bill

Title I—Combatant Commands

The committee has concluded that the unified and specified combatant command structure needs to be strengthened. That structure consists of the 10 operational commands that would be engaged in combat operations in any military crisis or war. The authority and influence of commanders of the unified and specified commands is not commensurate with their responsibilities. The committee believes that the instances of poor performance and, from time to time, outright failures of U.S. military forces over a period of decades can be attributed in part to the weaknesses of the national military command structure.

Title I is intended to correct the organizational weaknesses of the combatant commands by ensuring that the commanders who lead them have the authority necessary to organize, train and otherwise prepare the forces for combat, enhancing their influence on the shape of the national defense budget, and in other ways modifying the command structure and assignment of forces to improve the combatant commands.

Section 124 of title 10 currently governs the establishment, composition, functions, administration, and support of combatant commands. That section would be repealed. As compared to the comprehensive treatment of the military services elsewhere in title 10, the few lines devoted to the unified and specified commands in section 124 do not adequately define the responsibility of the combatant commanders. More importantly, section 124 fails to ensure the authority of the commanders to carry out their responsibilities. Consequently, section 101(a) of this bill would amend title 10 by inserting a new chapter 6 entitled "Combatant Commands" that would replace the present section 124. The sections of the new chapter 6, as established by this bill, would be as follows:

161. Establishment.
162. Forces assigned to combatant commands.
163. Functions and supervision.
164. Administration and support of assigned forces.
165. Unified and specified commands: program and budget proposals; net assessments.
166. Combatant command subordinate commanders and CINC staff officers: selection and tenure.
167. Joint Commanders Council.

ESTABLISHMENT

Special combatant commands

Subsection (b) of section 161 of the new chapter 6 would authorize the President, with the advice and assistance of the chairman of the Joint Chiefs of Staff and acting through the Secretary of Defense, to establish a "special combatant command" if he determines that a given situation warrants such a force to perform a specific military mission. The President would prescribe the mission, force structure, chain of command, and support and administrative arrangements of that command.

The committee has included this provision in the bill to ensure that the U.S. military establishment is able to respond to situations like the Beirut deployment, the Iran hostage crisis and the capture of the Mayaguez. The President's Blue Ribbon Commission on Defense Management in its June 1986 final report, *A Quest for Excellence,* recommended that

> For contingencies short of general war, the Secretary of Defense, with the advice of the Chairman and the JCS, should have the flexibility to establish the shortest possible chains of command for each force deployed, consistent with proper supervision and support. This would help the CINCs [the commanders of the unified and specified commands] and the JCS perform better in situations ranging from peace to crisis to general war.

The special combatant command provisions respond to this Packard Commission recommendation. The committee believes that such commands, in effect tailored to a particular crisis situation and structured with streamlined command chain, would provide the flexibility necessary to respond to modern-day crises, particularly to those arising from terrorism and other forms of low-intensity conflict.

Periodic review of the overall structure of the unified and specified commands

Subsection (c) of section 161 of the new chapter 6 would require periodic review of the overall structure o fthe unified and specified to conduct the review and make any recommendations he might have to the President through the Secretary of Defense. The President would be required to inform Congress of any changes that he made. Great difficulty attends any Department of Defense attempt to change the unified command structure. Viewed from the perspective of the services, the difficulty is not surprising. Such changes raise many issues of concern to the services—roles and missions, weapons and munitions requirements, share of the national defense budget, the allocation of 4-star billets, and the number of personnel in the service.

Viewed from a national perspective, however, the failure of the defense establishment to alter the unified and specified command structure is dangerous. The 1978 Steadman *Report to the Secretary of Defense on the National Military Command Structure* recommended that, "given the evolutionary nature of the underlying political and military 'realities', the UCP [Unified Command Plan] should be reviewed by the JCS and the Secretary of Defense at intervals not to exceed two years." More recently, the Packard Commission recommended that "the Unified Command Plan should be revised to assure increased flexibility to deal with situations that overlap the geographic boundaries of the current combatant commands and with changing world conditions." Moreover, rather than a review, the commission recommended outright establishment of a unified command "to integrate global air, land, and sea transportation" and that "legislation prohibiting such a command should be repealed."

The committee agrees with these recommendations. Consequently, the requirement for periodic review of the overall structure of the unified commands has been included in new section 161(b) to ensure that the theater and functional command arrangements remain capable of responding to changing worldwide conditions. In addition, section 104 of this bill would require that the first review comprehensively reassess the entire unified and specified command structure. The review would be required to examine a number of issues listed in section 104 that were suggested during the committee hearings and past studies of the national military command structure.

Finally, section 105 of this legislation repeals two provisions in present law that prohibit changes in the military command structure. The law presently prohibits the establishment of a Unified Transportation Command. The prohibition was enacted in 1983 to defeat a Department of Defense proposal to consolidate current land (Army) and sea (Navy) transportation commands into a unified joint command. (The Military Airlift Command is already a joint command.) In light of the Packard Commission recommendation to combine all three commands into one unified command, the committee has included the provision to repeal the prohibition. For similar reasons the committee has included a repeal of a provision in present law that prohibits alteration of the command structure for military forces in Alaska. The committee believes that the prohibitions on changes in the national military command structure constitute unnecessary infringements on the President's authority as Commander-in-Chief.

FORCES ASSIGNED TO COMBATANT COMMANDS

Section 162(a) specifies that *all* forces under the jurisdiction of the service Secretaries shall be assigned to the unified and specified combatant commands except for those assigned to recruiting, organizing, training, or supplying the armed forces. These provisions would replace a sentence in section 124(b) of title 10 that provides that "the military departments shall assign forces to [unified and specified] combatant commands established under this section to perform the missions of those commands." In other parts of title 10, each military service is made responsible for "the preparation of forces [land, sea, or air, as the case may be] for the effective prosecution of war except as otherwise assigned. . . ." This new wording is intended to make clear that all personnel, units, and other military entities that have received the preparation necessary to equip them to perform the missions or functions that they are assigned shall be placed under the unified and specified commands.

The committee has worded the new provision to ensure that the services have the personnel necessary to accomplish their missions—that is, that the services have the "forces assigned to recruiting, organizing, training, and supplying of the armed forces" unless the Secretary of Defense directs otherwise. But the committee intends that all other forces, in the absence of compelling reasons to the contrary, shall be assigned to the unified and specified commands. Also the committee intends that, with certain excep-

tions, the forces shall be assigned in such a manner that all forces operating within the geographic area of responsibility of a unified commander "shall be assigned to, and under the command of" that commander.

The Secretary of Defense is given the necessary latitude, in carrying out these provisions, to allow for circumstances that the committee cannot anticipate. He may decide which forces shall be assigned to combatant commands and to which command those forces shall be assigned.

COMMAND OF THE COMBATANT COMMANDS

Description of the changes relating to command of combatant commands included in the bill

Subsection 162(b) of the new chapter 6 would specify that each unified or specified commander *commands* the forces assigned to his command. *Command* is defined in that section to empower the commander "to give authoritative direction to subordinate forces necessary to accomplish assigned missions." The bill adds a number of provisions intended to safeguard the combatant commanders' authority:

A requirement in subsection 162(b)(2) that makes the Secretary of Defense responsible for ensuring that combatant commanders have sufficient authority to exercise effective command.

A requirement in subsection 162(b)(3) that any combatant commander who does not believe that he has sufficient authority to command effectively promptly inform the Secretary of Defense.

Authority in subsection 162(c)(1) for the unified or specified commander "to prescribe the chain of command and organizational structure of forces assigned" to his command.

Authority in subsection 162(c)(2) for the unified or specified commander "to train forces assigned to that command; and to employ those forces to accomplish assigned missions."

A requirement in section 166 of the bill that the unified and specified commanders shall have a strong voice in the selection of their principal subordinate commanders and personnel assigned to their staffs.

Authority to convene general courts-martial provided in subsection 166(b) of the bill.

Authorization in subsection 164(b) to assume responsibility for support of assigned forces as directed by the Secretary of Defense.

Subsection 162(b) of the new chapter 6 would replace a section in subsection 124(b) of title 10 that states that "a force so assigned [to a combatant command] is under the *full operational command* of the commander. . . ." [emphasis added].

The concept of military command

The term "full operational command" has been used as a device to limit the authority of combatant commanders. As a result, the commanders of the single-service forces assigned as subordinates to the unified commanders (who are referred to as "component" com-

manders) exercise authority independent of their superiors in the national military command structure.

The meaning of command.—Military command, in the broadest sense, includes much more than directing forces in actual hostilities. It encompasses everything from strategy and tactics to organization, the chain of command, training of subordinate units to carry out their missions, ensuring personnel welfare—most significantly, their sheltering, feeding, and medical care—to the quality, quantity, and condition of weapons and equipment.

The meaning of "full operational command".—Within the broad spectrum covered by the term command, the military has carved out a slice of command functions and defined it as "operational command". As carefully defined in Pentagon directives, it severely restricts theater commanders. For example, the definition (below) specifically excludes "such matters as administration, discipline, internal organization and unit training. . . ." The definition also specifies that operational command should be exercised by the use of "normal organizational units" (meaning single-service units). Thus, although the first sentence of the definition purports to give broad sweeping authority to the combatant commander, the other sentences take that authority away.

> Operational command—those functions of command involving the composition of subordinate forces, the assignment of tasks, the designation of objectives and the authoritative direction necessary to accomplish the mission. Operational command should be exercised by the use of the assigned normal organizational units through the commanders of subordinate forces established by the commander exercising operational command. It does not include such matters as administration, discipline, internal organization, and unit training except when a subordinate commander requests assistance.

The Joint Chiefs of Staff, in a document titled *JCS Pub 2, Unified Action Armed Forces* (UNAAF) has elaborated in 168 pages of excruciating detail limitations on the meaning of full operational command. Several excerpts reveal the tenor of this document:

(1) Unified commander organizational authority is limited: "Operational command by the unified commander will be exercised through the service component commanders. . . ." A unified commander is forbidden direct command of operational forces except in an "urgent" situation; even then his action must be approved by the Joint Chiefs of Staff and the Secretary of Defense. (Ref. pgs. 44 & 46)

(2) Each service has sole responsibility for selecting the unified commanders' subordinate commanders: "The senior officer of each Service assigned to a unified command and qualified for command by the regulations of his own Service is the commander of the component of his Service unless another officer is so designated by competent authority." (Ref. p. 48.)

(3) All of the forces within a unified commander's theater may not be assigned to him: "Other individuals, units, attachments, organizations, or installations may operate directly under the component commander in his Service role and

should contribute to the mission of the unified commander as appropriate." (Ref. p. 48.)

(4) The unified commander is excluded from influencing significant military matters affecting his ability to accomplish his mission: Each Service has "undivided" responsibility for "the formulation of tactical and technical doctrine for the combatant functions . . ., the internal structure and composition of forces, the type of training to be given, and the types and quantities of equipment and supplies to be developed and procured." (Ref. p. 7.)

(5) The unified commanders are provided specific direction concerning actions affecting uni-Service responsibilities within his command: The unified command organization "should integrate components of two or more Services into an efficient team while, at the same time, preserving its uni-Service responsibilities. The commander of any force must give due consideration to those responsibilities. Furthermore, organizational integrity of Service components should be maintained in so far as practicable." (Ref. p. 43.)

(6) Independent responsibilities of service component commanders: internal administration and discipline; training and Service doctrines, techniques and tactical methods; logistic functions normal to the components; tactical employment of forces; and Service intelligence matters. (Ref. p. 49.)

(7) The unified commanders are given limited influence over logistics support: "Component commanders will inform commanders of their unified and specified commands of planning for significant changes in logistics support, including base adjustments, sufficiently early in the planning process to enable the commander of the unified or specified command to express his views and to have them considered prior to implementation or final decision." (Ref. p. 49.) [emphasis added]

Chairman of the Joint Chiefs of Staff Admiral William J. Crowe testified that Joint Chiefs of Staff Pub 2 is being revised. Considering all of the attention focused on the unified commanders, the committee believes they are likely to gain from the revision. But to be certain that the changes are lasting, and sufficiently far-reaching, Congress must specify combatant commander authorities clearly.

The meaning of "command less operational command".—Considering the definition of operational command above, the question arises, Who exercises the other aspects of command within a unified command? The answer is, the unified commanders' subordinate single-service component commanders. Whatever is not included in the unified commanders' definition of operational command is exercised by the component commanders. No definition for this command authority exists; it is simply called "command less operational command". It has been used to undermine the unified commanders' authority because, if a unified commander cannot point to an authority he is specifically given under the definition of operational command, his subordinate can claim, usually successfully, that the unified commander is attempting to exceed his area of responsibility and that the subordinate service commander, exer-

cising "command less opcom" has a free hand in that particular matter.

The situation that the unified commanders find themselves in with relation to their subordinate component commanders is analogous to the relationship established by the tenth amendment to the U.S. Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people", In this case, the "powers" are reserved to a military subordinate.

The demise of the principle of unity of command

As Senator Goldwater has observed, "unity of command is one of the fundamental principles of any military operation" and "every West Point plebe knows that." The Senator went on to note that "it means there's only one commander" and to quote Napoleon who said that "nothing is so important in war as undivided command." How, then, did command of the American military come to be diffused, divided, segmented, elongated, and otherwise confused, as is indicated by the quotations from the Joint Chiefs of Staff Publication 2? No definitive answer to that question can be found, but the experiences of American forces in World War I, and of General Eisenhower in World War II, suggest that the principle of unity of command should be reestablished in the U.S. military structure.

In recent times, the American military was forced to wrestle with the idea of dividing military command into functional areas during World War I when U.S. commanders resisted French efforts to segment U.S. forces into units under French command in order to move them into the trenches more quickly. If this had happened, the United States would have been responsible for support and administration of its forces while the French would have employed the forces. Thus, segmented command would have resulted. General Pershing resisted the French and he maintained the integrity of the U.S. Expeditionary Forces. When they were ready, U.S. forces, under U.S. leadership, entered the conflict as a national force.

During World War II, General Eisenhower spent much, if not most, of his time while setting up Operation Overload (the invasion of Europe) in fleshing out his command authority with America's major ally, the British, and, to a lesser degree, with the Free French. The rule among sovereign allies (still embodied in the NATO Alliance today) is that each nation is responsible for support and administration of its forces. Thus Eisenhower never exercised full command over allied forces. But Eisenhower even had to fight for clear-cut "operational" command authority over British forces. He never quite succeeded—when at times, it seemed he had succeeded, arrangements soon began to unravel.

By including "operational command" in law in 1958, the Congress established inter-service relationships analogous to those obtaining among sovereign allied nations—with the attendant built-in obstacles to genuine unified direction of the Armed Forces. Whereas the problems of command relationships are understandable between sovereign nations, within a nation it is entirely a matter of policy if military command relationships are established in this way.

General Eisenhower, on the other hand, had no such problems with U.S. forces. He exercised full command, including authority over logistics and administration, of U.S. air and land forces. Admittedly, because the air and land forces were in the same service during World War II, any question of segmented command authority was easier to resolve. Nevertheless, considering the significance of Eisenhower's control over logistics when it was necessary to reallocate resources to sustain Patton's rapid advance, the importance of full command for a theater commander became obvious.

The question of divided command authority was a sore point between the Army and Navy in the Pacific theater. Despite the need to cooperate and act in unison, each service opposed placing its forces under the command of an officer from the other service.

The idea that command can be divided, shared, or otherwise segmented was readily adopted by military services threatened with unified command after World War II.

Until that time, the War and Navy Departments were completely separate entities. Commanders commanded. No issue arose of dividing or segmenting command. An organizational arrangement whereby U.S. military forces were to fight under unified command, integrated into "an efficient team of land, naval, and air forces . . ." changed the perspective of the heretofore autonomous services concerning unified command.

In his 1958 DOD reorganization message to Congress, President Eisenhower clearly stated his intent to straighten out the question of unified command once and for all. The Congress failed to give him what he requested. Consequently, his words ring as true today as they did 30 years ago:

> We must organize our fighting forces into operational commands that are truly unified, ...
>
> This lesson, taught by World War II, I learned from firsthand experience. With rare exceptions, as I stated before, there can no longer be separate grounds, sea, or air battles.
>
> Our unified commands . . . are the cutting edge of our military machine—the units which would do the fighting. Our entire defense organization exists to make them effective.
>
> I intend that, subject only to exceptions personally approved by the Commander in Chief, *all* of our operational forces be organized into truly unified commands.
>
> * * * * *
>
> Commands of this kind we do not have today.
>
> Today a unified command is made up of component commands from each military department, each under a commander of that department. The commander's authority over these component commands is *short of the full command required* for maximum efficiency. In fact, it is prescribed that some of his command powers shall take effect only in time of emergency.
>
> I recommend, therefore, that present law, including certain restrictions relating to combatant functions, be so amended as to remove any possible obstacles to the full

unity of our commands and the full command over them by unified commanders.

* * * * *

I have neither the intent not the desire to merge or abolish the traditional Services. This recommendation would have no such effect. But I cannot too strongly urge that our operational commands be made truly unified, efficient military instruments. Congressional cooperation is necessary to achieve that goal. [Emphasis added]

Whereas Eisenhower intended the unified and specified commanders to enjoy full command, the 1958 law gave them "full operational command." The restrictive definition of that term and the equally confining directives elaborating the definition have resulted in the weaknesses of the theater commanders that exist today.

Committee conclusions concerning command

The committee has concluded that divided command has not, does not, and will not serve the nation well. Some will argue that giving the unified or specified commanders command would involve them in the broad range of concerns that full command entails and thus distract them from their proper focus on war-fighting. This criticism, the committee believes, leads to the question of how commanders throughout history, who have raised unity of command to a principle of war, have handled the distractions of full command? How indeed, have Army and Navy commanders who have exercised full command throughout the history of the United States, and are still exercising full command as component commanders, managed? The answer is, they delegate. A military commander concerns himself personally at any given time with the matters that most significantly affect the accomplishment of his mission. He delegates everything else. An officer who has command has the authority to oversee anything, and everything, that matters to the accomplishment of his mission. He delegates these matters to subordinates unless they become problems that, in the commander's judgment, threaten his mission and need his personal attention.

The committee concludes that the unified and specified commanders must possess all of the authority necessary to fulfill the momentous responsibilities assigned to them in the law. These authorities for each commander include, as a minimum:

(1) complete command authority over how his command is organized, trained, and employed

(2) significant influence over:

(a) how the forces of his command are equipped;

(b) how administration and support are provided;

(c) the resources allocated to his command;

(d) selection of the key members of his command, including his own staff and subordinate commanders;

(e) the exercise of military discipline with respect to his principal subordinates.

The committee recognizes, and reaffirms, the responsibility of the military departments and services to carry out those actions required to ensure that the forces that they provide to unified command remain properly organized, trained, and equipped and that

their administration and support is provided. The committee does not intend this legislation to interfere with or make difficult the many actions, such as readiness reporting, the providing of guidance for individual and unit training, and the introduction of new equipment, that are necessary for the execution of these military department and service responsibilities. The committee intends, however, to ensure that the execution of all these actions by the services and military departments takes place in a manner entirely consistent with the responsibilities of the unified commander for the forces assiged to him and with his authority over those forces.

The unified commander's responsibilities, and his authority, must be dominant and overriding; he needs full and unswerving support from the military departments and services to meet them. The committee intends this legislation to ensure both that the unified commander has the full authority he needs to meet these responsibilities and that service and military department actions take place within the framework of that unified command responsibility and authority.

UNIFIED AND SPECIFIED COMMANDERS' "OPERATIONS" BUDGET

Section 165 of the new chapter 6 would require that the Secretary of Defense include a separate budget proposal for unified and specified commanders in the annual Department of Defense budget submission to Congress. The Secretary of Defense is given complete discretion over the contents of the combatant commanders' budgets. The bill, however, indicates several activities "for which funding may be requested . . . .": joint exercises, force training, contingencies, and selected operations.

The committee recommends that the unified and specified commanders have an "operations" budget for two reasons. First, on the merits, the argument for a limited combatant commanders budget—on the order of far less than 1 percent of the defense budget—is that the theater commander should control resources to focus the activities of his command that directly affect his ability to accomplish his mission. A second reason for the combatant commanders to be given a budget is that influence within the Department of Defense comes with control over resources. At present, the combatant commanders control no resources. The committee is recommending in Title I that the Congress increase the influence of the unified and specified commanders. Giving them control of resources, however limited, would be an effective way to contribute to that objective.

JOINT COMMANDERS COUNCIL

Subsection 167(a) of the new chapter 6 would establish a council consisting of the chairman of the Joint Chiefs of Staff and the commanders of each of the unified and specified commands. The council would advise the chairman on the execution of his responsibilities, and the President and Secretary of Defense on matters on which they requested advice.

Witnesses appearing before the committee have emphasized that those who will be charged with carrying out a decision should provide advice to decision makers because the advice they render

would be the most responsible. The officers who are responsible for carrying out the most significant decisions concerning the use of military forces are the unified and specified commanders who are responsible for employing U.S. forces. The service chiefs, who comprise the Joint Chiefs of Staff, by law supervise the services responsible for training and equipping forces to be employed by the unified commanders.

General P. X. Kelley, Commandant of the Marine Corps and a member of the Joint Chiefs of Staff, clarified the advice-responsibility linkage in 1983 in testimony before the House Armed Services Committee after the bombing of the Marine Barracks at the Beruit airport. He correctly pointed out that as Marine Commandant he was not in the chain of command to the forces in Lebanon. Both the Long Commission report and the House Armed Services Committee report on the Beruit tragedy confirmed General Kelley: "The reports held that the unified commander and his subordinates in the chain of command were responsible—not the service chiefs or the JCS—for any oversights that contributed to the tragedy."

In this light, the committee recommends the establishment of a Joint Commanders Council to provide a forum or joint advice to the President, Secretary of Defense, and the chairman of the Joint Chiefs of Staff. With his added responsibilities, the chairman's recommendations to the Secretary of Defense must necessarily balance the needs of each unified or specified commander against the others because resources will always be limited. The committee believes that a constructive dialogue would result if the chairman and the combatant commanders wrestled with joint problems together. Each combatant commander would necessarily become more cognizant of the world-wide context of which he plays a part. The committee also believes that the Joint Commanders Council will assist the chairman in meeting new responsibilities, recommended by the Packard Commission, to develop alternative national strategies and corresponding budget proposals. Both the Joint Commanders Council and the Joint Chiefs of Staff would assist the chairman in examining the implications of various military strategies. The committee also believes that a Joint Commanders Council could assist in providing perspective on the possible employment of military forces during crisis situations.

The Joint Commanders Council, then, could assist the chairman and his superiors and at the same time increase the understanding of the unified and specified commanders. The committee does not intend, however, that the Joint Commanders Council, with a membership that spans the world, meet in the same physical location often, if at all. Rather the Council would "meet" through teleconferencing, and at the chairman's call. Members could use their own staffs; the chairman would use the Joint staff. Thus, no additional staff would be necessary.

REPEAL OF INDEPENDENT OPERATING AUTHORITY FOR THE NAVY

Section 5012 of Title 10 addresses the composition and functions of the Navy. Subsection 5012(a) contains the following sentence.

> It [the Navy] is responsible for the preparation of Naval forces necessary for the effective prosecution of war except as otherwise assigned and is generally responsible for naval reconnaissance, anti-submarine warfare, and protection of shipping.

Each of the other services is charged with a responsibility comparable to the first part of the sentence. None of the other services, however, is assigned a responsibility in law comparable to that contained in the second part of the sentence. The committee believes that the statement that the Navy "is generally responsible for naval reconnaissance, anti-submarine warfare, and protection of shipping" could be interpreted to authorize the Navy to conduct military operations autonomously, i.e., independent of the command authority of any unified or specified commander. Because a major purpose of this bill is to focus the services on preparing forces and to ensure the unified and specified commanders' authority to conduct operations, the ambiguous language concerning the Navy would be deleted by this bill. It is not the intent of the committee, however, with this change to title 10, to effect any alteration of the roles performed by the Navy.

NET ASSESSMENT

Subsection 102(a) of the bill would add a provision to section 141(c) of Title 10 that would make the chairman of the Joint Chiefs of Staff responsible for performing net assessments. Subsection 102(c) of the bill would add a provision to section 143 of Title 10 that would make the chairman of the Joint Chiefs of Staff responsible for ensuring that the Joint Staff has the capability to assist the chairman in performing his net assessment responsibilities. Subsection 165(f) of the new chapter 6 of Title 10 would ensure that unified and specified commanders have access to net assessments conducted within the Department of Defense; would require that the chairman of the Joint Chiefs of Staff establish procedures whereby the Joint Staff would assist the combatant commanders with respect to net assessments and the commanders, in turn, could contribute to the development of Joint Staff net assessments; and would require other Department of Defense organizations to assist combatant commanders with net assessments.

The committee believes that defense decisionmakers should act on the basis of a balanced appreciation of the threats to U.S. interests and military forces posed by potential adversaries, on the one hand, and the capabilities the United States and its allies possess to counter those threats, on the other. In 1970 the Blue Ribbon Defense Panel recommended creation of a net assessment capability "for the purpose of conducting and reporting net assessments of United States and foreign military capabilities and potentials." The Packard Commission recently recommended, in effect, that the existing Department of Defense net assessment capability be expanded and focused on the chairman of the Joint Chiefs of Staff in light of his increased strategic planning responsibilities.

> At the direction of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, with the assistance of the other members of the JCS and the CINCs, and in consultation with the

Director of Central Intelligence, should also prepare a military net assessment that would:

Provide comparisons of the capabilities and effectiveness of U.S. military forces with those of forces of potential adversaries for the Chairman's recommended national military strategy and other strategy options;

Reflect the military contributions of Allied Force where appropriate;

Evaluate the risks of the Chairman's recommended national military strategy and any strategy options that he develops for the Secretary of Defense and the President; and

Cover the entire five-year planning period.

The committee agrees with the recommendation of the Packard Commission. Members of the committee have long recognized the need for more balanced appraisals of the United States' situation vis-a-vis potential adversaries. Too often attention is focused on intelligence reports about developments in the Soviet Union without an accompanying analysis of how those developments affect the capabilities of the United States and its allies to achieve their interests and accomplish military missions. The committee believes that the unified and specified commanders should contribute to the development of net assessments and be fully apprised of the results.

PROVISIONS RELATING TO RESPONSIBILITIES OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

The Joint Chiefs of Staff Reorganization Act of 1985 (H.R. 3622), passed by the House of Representatives on November 20, 1985, is an integral part of the House of Representatives Department of Defense reorganization effort. The rationale for a number of changes in H.R. 4370 involving the relationship of the chairman of the Joint Chiefs of Staff to the unified commanders, the military departments, defense agencies, and the joint personnel structure is included in the report on H.R. 3622 (H. Rept. 99-375). The report contains a discussion of the reasons for making the chairman of the Joint Chiefs of Staff the principle military advisor to the President and Secretary of Defense and shifting other responsibilities to the chairman presently assigned to the entire Joint Chiefs of Staff committee. The justification for several provisions that appear in Title I of this legislation is included in the report on the Joint Chiefs of Staff bill. That report should be referenced with regard to the following sections on Title I of H.R. 4370:

(1) Subsection 161(a) of the new chapter 6 relating to the establishment of unified and specified combatant commands.

(2) Subsection 163(b) of the new chapter 6 relating to the responsibility of the chairman of the Joint Chiefs of Staff to supervise the combatant commanders and act as their spokesman.

(3) Subsection 102(a) that would require the chairman of the Joint Chiefs of Staff to perform a number of additional responsibilities related to the combatant commanders, including providing advice on the overall allocation of resources in the defense budget, monitoring the assignment of officers to joint

duty by the services, developing joint doctrine, and performing net assessments.

(4) Subsection 104(b) relating to consultation among the chairman of Joint Chiefs of Staff and the other members of the Joint Chiefs of Staff and the unified and specified commanders.

TITLE II—DEFENSE AGENCIES

Subsection 201(a) of the bill would amend chapter 8 of title 10 by inserting five new sections, at the beginning of the chapter and redesignating the existing section 191 as section 196. The added sections would be titled as follows:

191. Authority to provide for common performance of supply or service activities.

192. Defense agencies: oversight by the Secretary of Defense.

193. Combat support agencies: duties of the Chairman of the Joint Chiefs of Staff.

194. Combat support agency representatives: combatant command headquarters.

195. Definition of combat support agency.

AUTHORITY TO ESTABLISH DEFENSE AGENCIES

New section 191 would be identical to subsection 125(d) of title 10 which would be deleted. In accordance with this section, the Secretary of Defense would continue to have authority to establish defense agencies:

> Whenever the Secretary of Defense determines it will be *more effective, economical, or efficient,* the Secretary shall provide for the performance of supply or service activity common to more than one military department, by one agency or such other organization as the Secretary considers appropriate. [emphasis added]

OVERSIGHT AND REVIEW OF DEFENSE AGENCIES

New section 192 would require a periodic review of the Defense Agencies. Testimony before the committee has raised sufficient questions concerning the performance of the Defense Agencies to justify a requirement that the Secretary of Defense periodically determine whether their performance is better than what could be achieved by the military departments or other organizations.

Section 202 of the bill would require that the first review by the Secretary of Defense under new section 192 be a fundamental reassessment of the agency concept as an organizational approach available to the Secretary of Defense. Despite the clear-cut prerequisites required by Congress as their *raison d'etre*—effectiveness, economy, or efficiency—the performance of Defense Agencies has never been evaluated to ascertain how they measure up despite more than twenty years of experience with these organizations.

The committee intends to initiate such a reassessment with the requirements included in Section 202 of the bill. To ensure airing of a full range of views from the different perspectives of constitutent elements of the Department of Defense, subsection 202(b) would require that the chairman of the Joint Chiefs of Staff and

the Secretary of each military department conduct separate, independent studies and submit them to the Secretary of Defense for his use in fulfilling his requirements under this section. For the same reason, the legislation would require, as a part of the Secretary's study, consultation with the directors of the Defense Agencies and other DOD officials as the Secretary considers appropriate. The committee intends that independent positions of DOD elements be conveyed to the Secretary on the several matters to be considered set out in subsection 202(d) and in section 203 of the bill. The committee also intends that the Congress receive each of the materials specified in section 202 and section 203 as required by subsection 202(f).

CAPABILITIES OF DEFENSE AGENCIES THAT SUPPORT COMBAT FORCES

Several defense agencies provide services or support to combat forces. These "combat support agencies" would be so designated in new section 195 of the bill: the Defense Communications Agency, Defense Intelligence Agency, Defense Logistics Agency, and Defense Mapping Agency. One of the principal criticisms of defense agencies is that they are not sufficiently responsive to their customers—the services, combatant commands, and other Department of Defense organizations for whom the agencies perform supply or service functions. The combat support agencies have been criticized for being peacetime oriented organizations, too independent of combat-related concerns. This allegation is particularly troublesome to the committee. If the combat-support agencies fail to perform adequately in a crisis or in wartime, the consequences for U.S. forces could be disastrous.

New section 193 of the bill contains several measures intended to ensure that the combat support agencis are responsive to the requirements of ther combat related missions. The section would require periodic evaluation of the readiness and crisis planning of each agency by the chairman of the Joint Chiefs of Staff, participation of the combat support agencies in joint training exercises, and development of an agency readiness reporting system similar to that in effect for the services.

The National Security Agency responds to other government entities outside of the Department of Defense, including the Director of Central Intelligence, as well as the Secretary of Defense. In other respects, however, the National Security Agency has the characteristics of a combat support agency in that its responsibilities include support of combat commanders. Consequently, although the legislation would not designate the National Security Agency as a combat support agency, the legislation would include appropriate provisions in Title II so that the National Security Agency could be included in the review of defense agencies and to ensure that the combat support functions performed by the Agency respond to the needs of combat commanders.

POLICY COUNCILS

As a further response to the criticism that the defense agencies are not sufficiently responsive to the customers they are chartered to serve, the committee considered including in the legislation a

provision establishing a policy council within each defense agency. The membership of the policy council would include representatives of agency clients: the chairman of the Joint Chief of Staff, the unified and specified commanders, the military departments, and the Office of the Secretary of Defense. The agency head would retain authority and responsibility for running his agency; the policy council would be advisory. But significant issues could be aired and the agency head would have first-hand knowledge of how his customers perceived the performance of the agency.

Policy councils were recommended in the *Report to the Secretary of Defense Agency Review* prepared by Major General Theodore Antonelli, U.S.A. (Ret.). According to the Antonelli report, the policy council mechanism is needed to avoid unilateral policy and procedural decisions by the agencies, to enhance coordination and to iron out discontinuities between authority and reponsibility.

The committee decided not to include a legislative requirement that policy councils be established because the Secretary of Defense already has the authority to establish them. The committee recommends, however, that the Secretary give serious consideration to establishing such bodies.

Title III—Joint Officer Personnel Policy

Title III would add a new chapter 38 to Part II—Personnel, of Subtitle A of title 10 entitled Joint Officer Management and would amend a number of existing personnel provisions in title 10. The sections of the new chapter 38, as established by this legislation, would be as follows:

661. Joint specialty.
662. Joint service prerequisites for selection for senior military positions.
663. Training and education.
664. Length of joint duty assignments.
665. Procedures for monitoring careers of joint officers.
666. Reserve officers not on the active duty list.
667. Annual report to Congress.
668. Definitions.

The section of this report titled "The Need for Change" indicated that this legislation would be intended to improve the selection of officers assigned to joint duty, to ensure that they receive adequate joint education and experience before undertaking key joint assignments, and to safeguard their promotions and assignments. The following outline summarizes how the legislation would achieve these purposes through creation of a joint specialty career category with incentives to attract outstanding officers and legal safeguards to protect the careers of officers who serve in joint assignments.

Description of joint specialty

Definition.—Officers particularly trained in and oriented toward the integrated employment of land, sea, and air forces including national military strategy, long range contingency planning, and command and control of combat operations and unified command.

Number.—A pool of officers sufficiently large to fill approximately one half of all joint duty assignments.

Selection.—Nominated by Service Secretaries, selected by the Secretary of Defense *only* after completion of joint schooling and a successful joint tour.

Career oversight.—The Secretary of Defense would be required to establish career guidelines for the joint specialty and to establish procedures for overseeing the careers—training, education, assignments, promotions—of all officers who serve in joint positions.

Reserve components.—The Secretary of Defense would be required to establish a program emphasizing training and experience in joint matters for the Reserve components comparable to the joint specialty requirements.

Joint experience

The Secretary of Defense would designate 1,000 key joint positions. These could only be filled by joint specialists (by definition, officers who have had joint training and who have had a joint assignment). The Secretary would define what constitutes a joint assignment and publish a list of those assignments. (A joint assignment could not be within an officer's own military department).

Incentives

Joint duty would become, as a matter of policy, a criteria for selection to the most senior assignments:

Future unified and specified commanders must have the joint specialty and at least one joint duty assignment as a general or flag officer.

Future chiefs of staff must have significant experience in joint duty assignments and at least one joint duty assignment as a flag officer.

Future chairmen of the Joint Chiefs of Staff must have been a unified or specified commander or a chief of service.

A prerequisite for promotion to general and flag officer in the future would be a joint duty assignment.

Joint education

Revision of curricula to emphasize joint military matters.—The Secretary of Defense would be responsible for strengthening the focus of all professional military schools on joint matters and ensuring that most graduates of joint schools receive joint assignments.

Capstone course.—All new flag officers, with certain exceptions, would be required to attend a course specifically designed to prepare them to work with the other armed forces.

Length of joint assignments

Joint assignments would be standardized at 3 years for flag officers; 3½ years for others. An exception would allow 2 year assignments for officers with critical operational skills.

Joint officer promotions

Policies would establish comparable promotion rates:

> Joint specialty and Joint Staff officers, as a group, would be promoted at the same rate as officers serving on the highly selective military headquarters staffs.
>
> Other officers in joint positions would be promoted at a rate specified by the Secretary of Defense between the service-wide rate and the rate of promotion for military headquarters staffs.

Service selection boards.—An officer, designated by the chairman of the Joint Chiefs of Staff, serving in a joint assignment would sit as a member of each service board that considered officers who served in joint duty assignments.

Chairman review of selection board results.—The chairman of the Joint Chiefs of Staff would review the list of recommended promotees of each selection board and could recommend names to be added to the list. His recommendations would go to the Secretary of Defense unless the chairman and the service Secretary could resolve differences.

Redesignation of joint specialty as a special experience identifier

The original version of this bill, before it was amended by the committee, would have established "a secondary occupational specialty . . . to be known as the 'Joint Subspecialty' ". The Department of Defense objected to this terminology, proposing instead that the legislation require establishment of

> a joint subspecialty identifier (Special Experience Identifier [SEI]) for officers. . . . Officers will have this identifier included in their personnel records (in addition to their major occupational specialty . . . .

The committee does not object to the use of the "SEI" or any other designation by the Department of Defense with regard to the joint specialty. Consequently, subsection 661(a) of the new chapter 38 would specify that the Secretary of Defense establish "an occupational category" for officers who are trained in joint matters. The paragraph concludes with the following two sentences:

> Officers with that occupational category shall be identified or designated in such manner as the Secretary of Defense directs. For purposes of this chapter, that category is referred to as the "Joint Specialty".

These sentences are intended to clarify that the Department of Defense is authorized to rename for its own purposes what is referred to in Title III of this bill as the Joint Specialty.

Review of promotion lists by the chairman of the joint chiefs of staff

Section 302 of this bill would amend section 618 of title 10 to require that the chairman of the Joint Chiefs of Staff review the promotion lists recommended by service selection boards. Based upon his review, the chairman would be authorized to recommend officers for promotion who "have served or are serving in joint duty assignments" and who "were considered by the Board and not recommended for promotion."

In light of testimony indicating that the services have intimidated officers serving in joint assignments, the committee considers

this provision necessary to safeguard the careers of joint officers. The essence of "jointness" is for an officer to be willing and able to act on the basis of his knowledge of joint military operations and requirements even though his action may be contrary to the parochial interests of his own service. Such jointness will not be realized until the joint military structure is able to take care of its officers. If the chairman of the Joint Chiefs of Staff cannot add the names of officers wrongly passed over for advancement by a service promotion board, the chairman will be unable to protect joint officers who, in performing their multi-service responsibilities, have incurred the wrath of their own service. Consequently, the chairman must be authorized to recommend that names be added to a promotion list.

The chairman, in the amendment to section 618 included in this bill, would review promotion lists and could recommend that names be added only "in accordance with guidelines prescribed by the Secretary of Defense." If the Secretary of Defense is concerned about arbitrary action on the part of the chairman, or the appearance of arbitrariness, he would have the authority to establish a joint officer board or some similar mechanism to advise the chairman with regard to his recommendations concerning the addition of names to a given promotion list.

Joint education

New subsection 661(c) would require that officers successfully complete "an appropriate program" at a joint professional military education school" in order to receive the joint specialty. New subsection 661(e) would require, inter alia, that the Secretary of Defense establish guidelines for the training and military education of joint specialists and new section 665 would establish procedures for monitoring their careers in accordance with the guidelines. New section 663 details several requirements related to joint military training and education, including the admonition in the legislation that joint military education schools "shall be required to maintain rigorous standards. . . ."

The committee intends that the joint professional military education schools of the National Defense University be revamped. The subject matter taught in the schools should be revised to ensure that graduates are expert in joint matters as defined by new section 668—matters relating to the integrated employment of land, sea, and air forces, including national military strategy, long range and contingency planning, and command and control of combat operations under unified command. Rigorous standards for completion of the course of education provided by the schools, comparable to pilot, nuclear submarine, and combat engineer schools, should by established. The joint subspecialty would be held by military professionals only if they pass the tough new curriculum.

TITLE IV—MILITARY DEPARTMENT ORGANIZATION

Title IV would direct that the Secretary of Defense reorganize the military departments. Importantly, the bill *would not* accomplish the reorganization if enacted. Within broad policies, or guidelines, the Secretary of Defense would have great flexibility and

could exercise his own discretion in carrying out the reorganization as he saw fit.

The most important guideline, by far, is the stipulation contained in subsection 401(b)(1) that each military department after reorganization would have a single integrated staff rather than separate civilian secretariat and military staffs.

Even in this case, the Secretary of Defense is given significant latitude. The committee considered a provision that would have specified the relationship between the top civilian and military officials in the departments after the integration took place. The provision was not included in the legislation because the committee realized that many models of staff integration already exist in the military department headquarters. The legislative liaison and public affairs offices in each military department are consolidated. The navy financial management function has been consolidated for years. The Army Audit Agency and the Army Inspector General serve both the Chief of Staff and the service secretary. Thus the committee found no need to prescribe relationships in a consolidated headquarters. Instead, the Secretary of Defense would be allowed by the legislation to select the most suitable organizational arrangement.

Although the bill would require integrated military department headquarters staffs, the consolidation would in fact alter only one of the three principal relationships between the service secretary and the service chief. The role of the service chief as a member of the Joint Chiefs of Staff would not be affected. As a member of the Joint Chiefs of Staff, the service chief is responsible for advising the President and Secretary of Defense on joint military matters. He acts independently of the service Secretary and is not accountable to the Secretary. Thus any intercourse between a service Secretary and a service chief with respect to Joint Chiefs of Staff matters is not required by law and is, in fact, completely voluntary on the part of the service chief.

The bill would not change this relationship. It would, in fact, reinforce the service chief's independence by providing him a personal staff, apart from the integrated military headquarters staff, of as many as 30 officers to assist him in his responsibilities as a member of the Joint Chiefs of Staff.

The existing relationship between the service Secretary and service chief concerning what might be loosely described as uniquely military matters would not be altered by the bill. At present, the military headquarters contain a number of two and three star officers who head large staffs devoted to such functions as military plans, operations, and intelligence. The chief of staff is directly responsible to the military department Secretary for these activities. No civilian official is placed between the chief of staff and the Secretary (with the possible exception of the under Secretary, who may act as the Secretary's alter ego) with regard to these responsibilities. This relationship would not be changed by the bill.

The legislation would, however, alter the existing relationship with regard to what might be termed the "business" side of the military department headquarters—where the private sector and the military interface. Functions such as manpower, reserve affairs, financial management, research and development, acquisi-

tion, logistics, and installations involve both a civilian and a military component. In these functional areas duplication currently exists; offices with the same functional responsibilities are found in the secretariat, headed by assistant secretaries and deputy assistant secretaries, and in the military staffs, headed by two star and three star officers. The bill would require integration of the staffs performing these functions.

Several provisions have been included by the committee to emphasize that many existing authorities, responsibilities and acceptions would not be changed by the legislation. These include the following:

(1) Subsection 401(b)(4) specifies that civilian officials on the department staff who are political appointees would not be placed in a position subordinate to a military officer.

(2) Subsection 401(b)(6) would prohibit abolishment or consolidation of reserve component staff functions.

(3) Subsection 401(b)(7) would continue and safeguard the position of administrative assistant in each military department.

(4) Subsection 401(d) specifies that nothing in title IV of the bill would limit the authority of a service chief to excercise supervisory control over military personnel "in the manner exercised by the service chief before enactment. . . ."

(5) Subsections 404(a) and 404(b) would continue the existing overall responsibility of each service Secretary for the intelligence activities of his military department and for the operational readiness of forces organized, trained, and equipped by his department.

Finally, the committee notes that absence of a provision in the bill on any other offices is not meant to convey they would be eliminated. Specifically, the committee in this legislation does not intend that deputy assistant secretaries in the military departments would be eliminated through consolidation.

TITLE V—MISCELLANEOUS

The Office of the Secretary of Defense has been criticized for favoring micromanagement over policy development, articulation, and implementation; inability to link military planning and national objectives; approving military programs without evaluating alternative approaches; failing to ensure that decisions are carried out; and weak oversight in assessing the results of decisions that have been implemented.

The committee believes that these criticisms are not without foundation. Witnesses from the Office of the Secretary of Defense have contended, for example, that the Office should articulate policy but not be responsible for following up to ascertain whether the military departments and other elements of the Department of Defense adhere to policy. Such a viewpoint, if held by many officials of the Office of the Secretary of Defense, would explain why the Office has been criticized as ineffectual.

Section 502 of the bill would require that the Secretary of Defense conduct a management study of the Office of the Secretary of Defense and that a parallel study be conducted by a private contractor. Moreover, companion independent studies of the Office of

the Secretary of Defense would also be required of the chairman of the Joint Chiefs of Staff and the military department secretaries. The committee has received testimony and other communications from military department civilian and military officials and members of the Organization of the Joint Chiefs of Staff recommending changes in the Office of the Secretary of Defense. The committee believes that it would be beneficial for the leadership of each major component of the Department of Defense to share their views with the Secretary of Defense concerning the functions, division of responsibilities, and management structure of the Office of the Secretary of Defense.

Subsection 502(a) requires that the documents generated by the study of the Office of the Secretary of Defense be submitted to Congress. The committee intends that these materials be used to determine whether any further legislation relating to the structure of the Office is needed.

Departmental Position

The committee has not received an official Department of Defense position on H.R. 4370. Correspondence available to the committee and other communications, however, indicate the following department position on the various titles:

(1) *Title I.* The Department of Defense opposes Title I in any form that does not conform to the provisions of Chapter 6 of the reorganization bill passed by the Senate (H.R. 3622, as amended). The department does not, however, oppose the provision in Title I that would allow the combatant commanders to convene general courts-martial. Moreover, the committee has been informed that the department does not oppose the provision that would require the chairman of the Joint Chiefs of Staff to submit fiscally-constrained recommendations for the allocation of defense resources based on guidance provided by the Secretary of Defense and recommendations submitted by the unified and specified commanders and, as appropriate, the service Secretaries.

(2) *Title II.* The Department of Defense has no objections to Title II.

(3) *Title III.* The Department of Defense opposes Title III in its current form,

(4) *Title IV.* The Department of Defense opposes Title IV.

(5) *Title V.* The committee is not aware of the Department of Defense position concerning Title V.

Committee Position

The Committee on Armed Services, on June 25, 1986, a quorum being present, approved H.R. 4370, as amended, by a vote of 39–4.

Fiscal Data

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 1987 and the four following fiscal years.

DEPARTMENT OF DEFENSE COST ESTIMATE

The Department of Defense has informed the committee that, so far as can be determined, the bill will have no significant bugetary impact on the department.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office and submitted pursuant to section 403 of the Congressional Budget Act of 1974 is included hereafter:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 17, 1986.

Hon. LES ASPIN,
Chairman, Committee on Armed Services,
House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4370, a bill to reorganized the Department of Defense, as ordered reported by the House Armed Services Committee on June 25, 1986.

This bill would reorganize the Department of Defense including combatant commands, defense agencies, field activities, and the office of the Secretary of Defense. Also, a joint officer personnel policy would be established. The bill would consolidate headquarters staff resulting in a 15 percent personnel reduction. It would require an annual report on National Security strategy and two management studies of the office of the Secretary of Defense, one by an independent contractor.

Although staff sizes are reduced and reporting requirements are added by this bill, CBO does not know if Defense Department costs would, in fact, change. For example, there is no indication that personnel ceilings, established in annual authorization bills, would be reduced accordingly. It is assumed, therefore, that overall costs for the Department of Defense would be unchanged, and that there would be no costs to state and local governments.

Sincerely,

RUDOLPH G. PENNER.

COMMITTEE COST ESTIMATE

The committee concurs with the estimate of the Congressional Budget Office.

INFLATION-IMPACT STATEMENT

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the committee attempted to determine the inflationary impact of the bill. The committee concludes that the bill in and of itself will have no inflationary impact.

OVERSIGHT FINDINGS

With reference to clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

With reference to clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the legislation results from extensive hearings into virtually all aspects of the national defense establishment; and these hearings and legislation, therefore, are a substantial part of the committee's oversight responsibility with regard to national security.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 10, UNITED STATES CODE

ARMED FORCES

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Subtitle A—General Military Law

PART I—ORGANIZATION AND GENERAL MILITARY POWERS

Chap. Sec.

* * * * * * *

6. Combatant Commands 161

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PART II—PERSONNEL

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38. Joint Officer Management 661

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PART I—ORGANIZATION AND GENERAL MILITARY POWERS

Chap. Sec.

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6. Combatant Commands 161

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PART II—PERSONNEL

Chap. Sec.

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38. Joint Officer Management *661*

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SUBTITLE A—GENERAL MILITARY LAW

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PART I—ORGANIZATION AND GENERAL MILITARY POWERS

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CHAPTER 1—DEFINITIONS

Sec.
101. Definitions.

§ 101. Definitions.

In additional to the definitions in sections 1–5 of title 1, the following definitions apply in this title:

(1) * * *

* * * * * * *

(43) "Defense agency" means an agency established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department.

* * * * * * *

CHAPTER 3—GENERAL POWERS

Sec.
121. Regulations.
122. Official registers.
123. Suspension of certain provisions of law relating to reserve commissioned officers.
[124. Combatant commands: establishment; composition; functions; administration and support.]
125. Functions, powers, and duties: transfer, reassignment, consolidation, or abolition.
126. Transfer of funds and employees.

* * * * * * *

[§ 124. Combatant commands: establishment; composition; functions; administration and support

[(a) With the advice and assistance of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

[(1) establish unified combatant commands or specified combatant commands to perform military missions; and

[(2) prescribe the force structure of those commands.

[(b) The military departments shall assign forces to combatant commands established under this section to perform the missions of those commands. A force so assigned is under the full operational command of the commander of the command to which it is assigned. It may be transferred from the command to which it is assigned only by authority of the Secretary and under procedures prescribed by the Secretary with the approval of the President. A force not so assigned, remains, for all purposes, in the military department concerned.

[(c)(1) Combatant commands established under this section are responsible to the President and to the Secretary for such military missions as may be assigned to them by the Secretary with the approval of the President.

[(2) Subject to the authority, direction, and control of the Secretary, the Chairman of the Joint Chiefs of Staff acts as the spokesman for the commanders of the combatant commands on operational requirements.

[(d) Subject to the authority, direction, and control of the Secretary, each military department is responsible for the administration of forces assigned by that department to combatant commands established for the support of forces assigned to those commands to one or more of the military departments.]

§ 125. Functions, powers, and duties: transfer, reassignment, consolidation, or abolition

(a) * * *

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(d) In subsection (a)(1), "major combatant function, power, or duty" does not include a supply or service activity common to more than one military department. [The Secretary of Defense shall, whenever he determines it will be more effective, economical, or efficient, provide for the performance of such an activity by one agency or such other organizations as he considers appropriate.]

* * * * * * *

CHAPTER 5—JOINT CHIEFS OF STAFF

Sec.
141. Composition; functions.
142. Chairman.
143. Joint Staff.

§ 141. Composition; functions

(a) * * *

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[(c) Subject to the authority and direction of the President and the Secretary of Defense, the Joint Chiefs of Staff shall—]

(c) Subject to the authority and direction of the President and the Secretary of Defense, the Chairman (in consultation, as appropriate, with the other members of the Joint Chiefs of Staff and with the commanders of the unified and specified commands) shall—

(1) * * *

* * * * * * *

(7) provide for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; [and]

(8) submit to the Secretary recommendations for the allocation of defense resources under the proposed national defense budget for each fiscal year, to be developed within anticipated limits on funding levels available for defense functions and based on—

(A) guidance provided by the Secretary;

(B) recommendations submitted by the commanders of the unified and specified combatant commands based on the requirements of their assigned missions; and

(C) recommendations (as appropriate) submitted by the Secretaries of the military departments and the heads of other components of the Department of Defense;

(9) review the program objectives and budget proposals of the Secretary of each military department and of those defense agencies with a combat support mission and recommend to the Secretary changes in such proposals in accordance with the Chairman"s recommendations under clause (8);

(10) in accordance with section 165(d) of this title, recommend to the Secretary a budget for each unified and specified combatant command, including the functions of each such command for which funds should be appropriated to the command;

(11) establish and maintain, in consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the overall capabilities of each such command to accomplish its missions;

(12) monitor the extent to which each military department provides officers for joint duty assignments and report to the Secretary of Defense when any department provides substantially fewer than one-third of the positions on the Joint Staff and one-third of the total number of joint duty assignments;

(13) develop doctrine for the joint employment of the armed forces;

(14) perform net assessments to determine the capabilities of the armed forces to carry out military operations under unified command; and.

[(8)] *(15)* perform such other duties as the President or the Secretary of Defense may prescribe.

(d) After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he may consider appropriate.

(e) In carrying out his functions under this chapter or any other provision of law, the Chairman shall consult, as appropriate, with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified commands.

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§ 143. Joint Staff

(a)(1) * * *

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(f) The Chairman shall ensure that the Joint Staff is organized and staffed so as to provide the Chairman the necessary staff expertise to enable him to carry out section 141(a)(14) of this title.

CHAPTER 6—COMBATANT COMMANDS

161. Establishment.
162. Forces assigned to combatant commands.
163. Functions and supervision.
164. Administration and support of assigned forces.
165. Unified and specified commands: program and budget proposals; net assessments.
166. Combatant command subordinate commanders and CINC staff officers: selection and tenure.
167. Joint Commanders Council.

§ 161. Establishment

(a) UNIFIED AND SPECIFIED COMMANDS.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

(1) establish unified combatant commands and specified combatant commands to perform military missions; and

(2) prescribe the force structure of those commands.

(b) SPECIAL COMBATANT COMMANDS.—(1) If the President determines that a situation warrants the creation for a specific military mission of a force outside the existing unified and specified commands, the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff and acting through the Secretary of Defense, may—

(A) establish a special combatant command to respond to that situation; and

(B) prescribe the mission, force structure, and support and administrative arrangements of that command.

(2) In the case of any such special combatant command, the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff and acting through the Secretary of Defense, shall prescribe the chain of command from the President and Secretary of Defense to the commander of that command. Such chain of command shall be the shortest practicable for each force deployed consistent with proper supervision and support.

(c) PERIODIC REVIEW.—(1) The Chairman shall periodically (and not less often than every other year)—

(A) review the overall structure of the unified and specified combatant commands (including the relationship among their respective functions, missions, areas of responsibility, and chains of command); and

(B) recommend to the President, through the Secretary of Defense, any changes that the Chairman considers necessary or appropriate.

(2) The President shall promptly inform Congress of any action taken in response to recommendations made by the Chairman under paragraph (1)(B).

§ 162. Forces assigned to combatant commands

(a) ASSIGNMENT OF FORCES.—(1)(A) Except as provided in paragraph (2), the Secretaries of the military departments shall assign all forces under their jurisdiction to unified and specified combatant commands to perform the missions assigned to those commands. Such assignments shall be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned.

(B) As directed by the Secretary of Defense, the commanders of the unified and specified combatant commands and the Secretaries of the military departments shall assign forces under their jurisdiction to any special combatant command established under this chapter to perform the missions assigned to that command.

(2) Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretaries of the military departments to the combatant commands under paragraph (1) do not include forces assigned to the recruiting, organizing, training, or supplying of the armed forces.

(3) A force assigned to a combatant command under this section may be transferred from the command to which it is assigned only by authority of the Secretary of Defense and under procedures prescribed by the Secretary with the approval of the President.

(4) A force not assigned to a combatant command remains, for all purposes, in the military department concerned.

(5) Unless otherwise directed by the Secretary of Defense, all forces operating within the geographic area assigned to the commander of a unified command shall be assigned to and under the command of the commander of that command. The preceding sentence applies to forces assigned to a specified command or a special combatant command only as prescribed by the Secretary of Defense.

(b) COMMAND OF ASSIGNED FORCES.—(1) Notwithstanding any other provision of law, a force assigned to a combatant command under this section is under the command of the commander of that command. In this section, the term "command" means the authority to give authoritative direction to subordinate forces necessary to accomplish assigned missions.

(2) The Secretary of Defense shall ensure that commanders of combatant commands have sufficient authority over the forces assigned to their commands to exercise effective command over those forces.

(3) If a commander of a combatant command at any time considers his authority over any of the forces assigned to that command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.

(c) ORGANIZATION, TRAINING, AND EMPLOYMENT OF ASSIGNED FORCES.—(1) The commander of each combatant command shall prescribe the chain of command and organizational structure of forces assigned to that command. To the extent practicable, the structure established should be the structure that would be used in the event of war or hostilities.

(2) The commander of a combatant command shall have authority—

(A) to train forces assigned to that command; and

(B) to employ those forces to accomplish assigned missions.

§ 163. Functions and supervision

(a) FUNCTIONS.—Commanders of combatant commands established under this chapter are responsible to the President and to the Secretary of Defense for such missions as may be assigned to them by the Secretary with the approval of the President.

(b) SUPERVISION BY JCS CHAIRMAN.—Subject to the authority, direction, and control of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff supervises the commanders of the combatant commands and is their spokesman at the seat of Government.

§ 164. Administration and support of assigned forces

(a) ADMINISTRATION.—Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of each military department is responsible for the administration of forces assigned by that department to combatant commands.

(b) SUPPORT.—Unless otherwise directed by the Secretary of Defense, the Secretary of each military department is responsible for the support of forces assigned by that department to combatant commands. The Secretary of Defense may assign the responsibility for the support of forces assigned to a combatant command (or any part of that responsibility) to—

(1) one or more of the military departments;

(2) other agencies of the Department of Defense; or

(3) the commander of the combatant command concerned.

(c) REQUESTS BY CINCS TO PROVIDE OWN SUPPORT.—(1) If a commander of a combatant command decides that performance of a support function (or any part of such a function) by elements of that command would improve the capability of the command to carry out assigned missions or would otherwise be more effective, economical, or efficient, the commander may submit to the Secretary of Defense a proposal for the transfer of that function (or any part of that function) to the command.

(2) Parts of a support function with respect to which a commander may submit a proposal under this subsection include the authority, with respect to that function, to establish requirements and to plan and direct distribution.

(d) ADVICE OF CHAIRMAN.—The functions of the Secretary under this section shall be carried out with the advice and assistance of the Chairman of the Joint Chiefs of Staff.

§ 165. Unified and specified commands: program and budget proposals; net assessments

(a) COMBATANT COMMAND BUDGETS.—The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for such activities of each of the unified and specified combatant commands as may be determined under subsection (b).

(b) CONTENT OF PROPOSALS.—A budget proposal under subsection (a) for funding of activities of a combatant command shall include funding proposals for such activities of the combatant command as the Secretary (after consultation with the Chairman of the Joint Chiefs of Staff) determines to be appropriate for inclusion. Activities

of a combatant command for which funding may be requested in such a proposal include the following:

(1) Joint exercises.

(2) Force training.

(3) Contingencies.

(4) Selected operations.

(c) SUBMISSION BY CINCS.—The commander of each unified or specified combatant command shall submit to the Chairman an annual program and budget proposal for that command for consideration for inclusion under subsection (a) in the next budget of the Department of Defense.

(d) SUBMISSION OF BUDGET PROPOSALS BY CHAIRMAN.—The Chairman shall—

(1) review and analyze the combatant command budget proposals submitted under subsection (c);

(2) establish priorities in accordance with guidance provided by the Secretary; and

(3) recommend to the Secretary for the purposes of subsection (a) a budget proposal for each command.

(e) SECRETARY OF DEFENSE GUIDANCE.—Budget proposals under subsections (c) and (d) shall be prepared in accordance with, and subject to, guidance furnished by the Secretary of Defense, including guidance with respect to anticipated budget limitations.

(f) NET ASSESSMENTS.—(1) In accordance with guidelines established by the Secretary of Defense, the findings, conclusions, and recommendations of any net assessment conducted by an organization of the Department of Defense shall be made available to the commanders of the unified and specified combatant commands.

(2) The Chairman of the Joint Chiefs of Staff shall establish procedures by which—

(A) each commander of a combatant command may require the Joint Staff to assist the commander with respect to net assessments relating to the commander's duties; and

(B) each commander shall contribute to the preparation, conduct, and findings of net assessments performed by the Joint Staff.

(3) The Secretary of Defense shall establish procedures by which a commander of a combatant command may require organizations of the Department of Defense that perform net assessments (in addition to the Joint Staff) to assist the commander with respect to net assessments relating to the commander's duties.

(4) The commander of a unified or specified combatant command shall include the results of any current net assessment conducted by or on behalf of his command—

(A) in preparing any evaluation of the capabilities of his command for submission to the Secretary or the Chairman; and

(B) in developing operations plans for the command.

§ 166. Combatant command subordinate commanders and CINC staff officers: selection and tenure

(a) SELECTION.—

(1) SENIOR GENERAL AND FLAG OFFICERS.—The selection of a general or flag officer for recommendation to the President for nomination to an assignment as a principal subordinate officer

of the commander of a unified or specified combatant command, or to the staff of such a commander, in a position of importance and responsibility designated by the President under section 601 of this title shall be made by the commander of that command in accordance with procedures prescribed by the Secretary of Defense. Such procedures shall provide for the selection to be made from a list of officers submitted to the commander by the Secretary of the military department concerned and that the commander may specify the number of officers to be included on such a list.

(2) OTHER OFFICERS.—Except as provided under paragraph (1), the selection of an officer to an assignment as a principal subordinate officer of the commander of a unified or specified combatant command, or to the staff of such a commander, shall be made by that commander. Such selection shall be made from a list of officers submitted to the commander by the Secretary of the military department concerned. The commander may specify the number of officers to be included on such a list.

(b) TENURE.—The tenure of an officer assigned to a combatant command under subsection (a) is subject to the approval of the commander of the combatant command.

§ 167. Joint Commanders Council

(a) ESTABLISHMENT.—There is hereby established in the Department of Defense a council to be known as the "Joint Commanders Council". The Council consists of—

(1) the Chairman of the Joint Chiefs of Staff, who is the head of the Council; and

(2) the commanders of the unified and specified combatant commands.

(b) FUNCTIONS.—The Council, as a body, shall—

(1) provide advice to the President and Secretary of Defense on matters with respect to which such advice is requested; and

(2) advise the Chairman, as requested by him, on the execution of the Chairman's responsibilities.

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CHAPTER 8—DEFENSE AGENCIES

Sec.
[191. Unauthorized use of Defense Intelligence Agency name, initials, or seal.]
191. Authority to provide for common performance of supply or service activities.
192. Defense agencies: oversight by the Secretary of Defense.
193. Combat support agencies: duties of the Chairman of the Joint Chiefs of Staff.
194. Combat support agency representatives: combatant command headquarters.
195. Definition of combat support agency.
196. Unauthorized use of Defense Intelligence Agency name, initials, or seal.

§ 191. Authority to provide for common performance of supply or service activities

Whenever the Secretary of Defense determines it will be more effective, economical, or efficient, the Secretary shall provide for the performance of a supply or service activity common to more than one military department by one agency or such other organization as the Secretary considers appropriate.

§ 192. Defense agencies: oversight by the Secretary of Defense

(a) PERIODIC REVIEW.—Periodically (and not less often than every two years), the Secretary of Defense shall review the services and supplies provided by the defense agencies to ensure that the provision of those services and supplies by those agencies, rather than by the military departments, is a more effective, economical, or efficient manner of providing those services and supplies consistent with the requirements for combat readiness of the armed forces.

(b) INFORMATION REQUIRED FOR REVIEW.—(1) In performing the review required by subsection (a), the Secretary shall obtain, as appropriate, the views of—

(A) the directors of the defense agencies;

(B) the Chairman of the Joint Chiefs of Staff;

(C) the Secretaries of the military departments;

(D) the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Chief of Naval Operations, and the Commandant of the Marine Corps; and

(E) the commanders of the unified and specified combatant commands.

(2) Paragraph (1) shall apply to the National Security Agency as determined appropriate by the Secretary. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

§ 193. Combat support agencies: duties of the Chairman of the Joint Chiefs of Staff

(a) COMBAT READINESS.—(1) Periodically (and not less often than every two years), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the combat support agencies. Each such report shall include—

(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

(B) any recommendations that the Chairman considers appropriate.

(2) In preparing each such report, the Chairman shall review the plans of each such agency with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any revision of those plans that the Chairman considers appropriate.

(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall—

(1) provide for the participation of the combat support agencies in joint training exercises to the extent necessary to ensure that those agencies are capable of performing their support missions with respect to a war or threat to national security; and

(2) assess the performance in joint training exercises of each such agency and, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any change

that the Chairman considers appropriate to improve that performance.

(c) READINESS REPORTING SYSTEM.—The Chairman shall develop, in consultation with the director of each combat support agency, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each such agency to perform with respect to a war or threat to national security.

(d) REVIEW OF NATIONAL SECURITY AGENCY.—(1) This section shall apply to the National Security Agency, but only with respect to functions the Agency performs for the Department of Defense.

(2) The Secretary, after consulting with the Director of Central Intelligence, shall establish policies and procedures with respect to the application of this section to the National Security Agency.

(3) The Secretary shall submit to Congress a report on any revision of the policies and procedures established under paragraph (2).

§ 194. Combat support agency representatives: combatant command headquarters

Upon the request of the commander of a unified or specified combatant command, the director of a combat support agency shall assign a representative of that agency to the headquarters of that command.

§ 195. Definition of combat support agency

In this chapter, the term "combat support agency" means any of the following:

(1) The Defense Communications Agency.

(2) The Defense Intelligence Agency.

(3) The Defense Logistics Agency.

(4) The Defense Mapping Agency.

(5) Any other defense agency designated as a combat support agency by the Secretary of Defense.

[§ 191.] *§ 196.* Unauthorized use of Defense Intelligence Agency name, initials, or seal

(a) No person may, except with the written permission of the Secretary of Defense, knowingly use the words "Defense Intelligence Agency", the initials "DIA", the seal of the Defense Intelligence Agency, or any colorable imitation of such words, initials or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense.

(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any

person or class of persons for whose protection the action is brought.

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PART II—PERSONNEL

Chap. Sec.

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38. Joint Officer Management 661

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CHAPTER 36—PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

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§ 612. Composition of selection boards

(a)(1) * * *

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(c) Each selection board that will consider officers who have served in joint duty assignments shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is currently serving in a joint duty assignment. The Secretary of Defense may waive the preceding sentence in the case of any selection board of the Marine Corps.

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§ 618. Action on reports of selection boards

(a) If, after reviewing the report of a selection board submitted to him under section 617(a) of this title, the Secretary of the military department concerned determines that the board has acted contrary to law or regulation, the Secretary shall return the report to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 611(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report and shall resubmit the report, as revised, to the Secretary in accordance with section 617 of this title.

(b)(1) After completing the requirements of subsection (a), the Secretary concerned shall submit the report to the Chairman of the Joint Chiefs of Staff.

(2) The Chairman shall review the report in accordance with guidelines prescribed by the Secretary of Defense. After reviewing the report of a selection board, the Chairman may recommend for promotion officers who—

(A) were considered by the board and not recommended for promotion; and

(B) have served or are serving in joint duty assignments.

(3) The number of such officers that the Chairman recommends for promotion in any competitive category considered by the board

may not exceed 10 percent of the number of officers that the board was authorized to recommend for promotion in that competitive category (but in any case the Chairman may recommend one such officer).

(4) After reviewing the report of a selection board, the Chairman shall return the report to the Secretary concerned with the names of officers (if any) who were not recommended for promotion by the selection board and who the Chairman recommends for promotion under paragraph (2). Except as provided under paragraph (5), each such name shall be added to the report of the selection board.

(5) If the Chairman recommends officers for promotion under paragraph (2), and if (after consulting with the Chairman) the Secretary concerned disagrees with any such recommendation of the Chairman, the Secretary—

(A) may return the report, together with the Chairman's recommendations and comments, to the selection board for further proceedings in accordance with subsection (a);

(B) may convene a special selection board in the manner provided for under section 628 of this title for consideration of any such officer on his record; or

(C) may take other appropriate action to satisfy the concerns of the Chairman.

(6) If, after completion of all actions taken under paragraph (5), the Secretary concerned and the Chairman remain in disagreement with respect to the selection for promotion of an officer, the Secretary concerned shall indicate such disagreement, and the reasons for such disagreement, as part of his transmittal of the report of the selection board to the Secretary of Defense under subsection (c). Such transmittal shall include the name of each officer recommended by the Chairman.

[(b)] *(c)(1)* After his final review of the report of a selection board, the Secretary concerned shall submit the report, with his recommendations thereon, to the Secretary of Defense for transmittal to the President for his approval, modification, or disapproval. *If the Secretary concerned and the Chairman of the Joint Chiefs of Staff disagree with respect to a recommendation for promotion by the Chairman under subsection (b), the Secretary of Defense shall, before transmitting the report to the President, decide the matter by directing that the name of an officer recommended for promotion by the Chairman be added to, or not be added to, the report of the selection board for officers recommended for promotion. After final action by the Secretary of Defense, the report of the selection board, as modified in accordance with subsection (b) and the decisions of the Secretary of Defense shall be considered for all purposes to be the report of the selection board.*

(2) If the report of a selection board names an officer as having a record which indicates that the officer should be required to show cause for his retention on active duty, the Secretary concerned may provide for the review of the record of that officer as provided for under regulations prescribed under section 1181 of this title.

[(c)] *(d)* The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

[(d)] *(e)* Upon approval by the President of the report of a selection board, the names of the officers recommended for promotion by the selection board (other than any name removed by the President) may be disseminated to the armed force concerned. If such names have not been sooner disseminated, such names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

[(e)] *(f)* Except as authorized or required by this section, proceedings of a selection board convened under section 611(a) of this title may not be disclosed to any person not a member of the board.

SUBCHAPTER II—PROMOTIONS

Sec.

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626a. Promotion policy for joint service officers.

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§ 619. Eligibility for consideration for promotion

(a)(1) * * *

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(e)(1) An officer may not be selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) unless the officer has served in a joint duty assignment.

(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

(A) when necessary for the good of the service;

(B) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist;

(C) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, chaplain, or judge advocate; and

(D) until January 1, 1992, in the case of an officer who the Secretary determines served before the date of the enactment of this subsection in an assignment (other than a joint duty assignment) that involved significant experience in joint matters.

(3)(A) A waiver may be granted under paragraph (2) only on a case-by-case basis in the case of an individual officer.

(B) In the case of a waiver under paragraph (2)(A), the Secretary shall provide that the first duty assignment as a general or flag officer of an officer for whom the waiver is granted shall be in a joint duty assignment.

(C) The authority of the Secretary of Defense to grant a waiver under paragraph (2)(B) or (2)(C) may only be delegated to the Deputy Secretary of Defense or an Assistant Secretary of Defense.

(4) The Secretary of Defense shall prescribe regulations to carry out this subsection. Such regulations shall specifically identify those categories of officers for which selection for promotion to brigadier

general is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

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§ 626a. Promotion policy for joint service officers

The Secretary of Defense shall establish policies to ensure that, whenever practicable, selection of officers on the active-duty list for promotion under this chapter is carried out in a manner consistent with the following policies:

(1) JOINT STAFF OFFICERS.—Officers who are serving on, or have served on, the Joint Staff shall, as a group, be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staff of their armed force.

(2) JOINT SPECIALTY OFFICERS.—Officers with the joint specialty under chapter 38 of this title shall, as a group, be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staff of their armed force.

(3) OTHER JOINT ASSIGNMENT OFFICERS.—Officers who are serving in, or have served in, joint assignments (other than officers covered by paragraphs (1) and (2)) shall, as a group, be promoted at a rate determined by the Secretary of Defense between—

(A) the rate for all officers of that armed force in the same grade and competitive category; and

(B) the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staffs of the military departments.

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CHAPTER 38—JOINT OFFICER MANAGEMENT

Sec.
661. Joint specialty.
662. Selection for senior military positions.
663. Training and education.
664. Length of joint duty assignments.
665. Procedures for monitoring careers of joint officers.
666. Reserve officers not on the active duty list.
667. Annual report to Congress.
668. Definitions.

§ 661. Joint specialty

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an occupational category for officers of the Army, Navy, Air Force, and Marine Corps on the active-duty list who (in addition to their principal military occupational specialty) are particularly trained in and oriented toward joint matters (as defined in section 668 of this title). Officers with that occupational category shall be identified or designated in such manner as the Secretary of Defense directs. For purposes of this chapter, that category is referred to as the "joint specialty".

(b) NUMBERS AND SELECTION.—

(1) NUMBER.—The number of officers with the joint specialty shall be determined by the Secretary. Such number shall be large enough to meet the requirements of subsection (d).

(2) SELECTION OF OFFICERS FOR JOINT SPECIALTY.—Officers shall be selected for the joint specialty by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. The Secretaries of the military departments shall nominate officers for selection for the joint specialty. Nominations shall be made from among officers—

(A) who meet qualifications prescribed by the Secretary of Defense; and

(B) who—

(i) are senior captains or, in the case of the Navy, lieutenants; or

(ii) are serving in the grade of major or lieutenant commander or a higher grade.

(c) TRAINING AND EXPERIENCE REQUIREMENTS.—

(1) GENERAL RULE.—An officer who is nominated for the joint specialty may not be selected for the joint specialty until the officer—

(A) successfully completes an appropriate program at a joint professional military education school; and

(B) after completing such program of education, successfully completes a full tour of duty in a joint duty assignment.

(2) EXCEPTION FOR OFFICERS WITH CRITICAL SKILLS.—An officer who has a critical occupational specialty involving combat operations (as designated by the Secretary of Defense) who is nominated for the joint specialty may be selected for the joint specialty after successful completion of a joint duty assignment of not less than two years and successful completion of a program under paragraph (1)(A). An officer selected for the joint specialty under this paragraph shall be required to complete the generally applicable requirements for selection under paragraph (1)(B) as soon as practicable after such officer''s selection.

(d) JOINT DUTY ASSIGNMENTS.—

(1) 50 PERCENT REQUIREMENT.—The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above captain or, in the case of the Navy, lieutenant are filled at any time by officers who have (or have been nominated for) the joint specialty.

(2) CRITICAL ASSIGNMENTS.—The Secretary of Defense shall designate not fewer than 1,000 joint duty assignment positions as critical joint duty assignment positions. Each such position shall be held only by officers with the joint specialty.

(e) CAREER GUIDELINES.—The Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish career guidelines for officers with the joint specialty. Such guidelines shall include guidelines for—

(1) selection;

(2) training;

(3) military education;

(4) types of duty assignments;

(5) information and guidelines to be furnished by the Secretary of a military department under section 615 of this title for officer selection boards; and

(6) such other matters as the Secretary considers appropriate.

§ 662. Selection for senior military positions

(a) POLICY FOR SELECTION FOR SENIOR POSITIONS.—The Secretary of Defense shall establish policies to ensure that, whenever practicable, the criteria set forth in subsection (b) are applied to the selection of an officer for recommendation to the President for—

(1) appointment as Chairman of the Joint Chiefs of Staff or as a Chief of Service; or

(2) assignment as the commander of a unified or specified combatant command.

(b) CRITERIA.—The criteria referred to in subsection (a) are as follows:

(1) JCS CHAIRMAN.—The criteria for selection of an officer for recommendation for appointment as Chairman of the Joint Chiefs of Staff are that the officer have served as a Chief of Service or as the commander of a unified or specified combatant command.

(2) CHIEF OF SERVICE.—The criteria for selection of an officer for recommendation for appointment as a Chief of Service are that the officer have had significant experience in joint duty assignments and that such experience include at least one joint duty assignment as a general or flag officer.

(3) CINC.—The criteria for selection of an officer for recommendation for assignment as the commander of a unified or specified combatant command are that the officer—

(A) have the joint specialty; and

(B) have had at least one joint duty assignment as a general or flag officer.

(c) CHIEF OF SERVICE DEFINED.—In this section, the term "Chief of Service" means the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps.

§ 663. Training and education

(a) CAPSTONE COURSE FOR NEW GENERAL AND FLAG OFFICERS.—

(1) REQUIREMENT.—Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new flag and general officers to work with the other armed forces.

(2) WAIVER AUTHORITY.—Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

(A) in the case of an officer whose immediately previous assignment was in a critical joint duty assignment and who is thoroughly familiar with joint warfare matters;

(B) when necessary for the good of the service;

(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as

determined under regulations prescribed under section 619(e)(4) of this title); and

(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, chaplain, or judge advocate.

(3) LIMITATION ON WAIVER AUTHORITY.—The authority of the Secretary of Defense to grant a waiver under paragraph (2) may only be delegated to the Deputy Secretary of Defense or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

(b) JOINT MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall periodically review and revise the curriculum of schools of the National Defense University (and of any other joint professional military education school) to enhance the education and training of officers in joint military matters. Such schools shall be required to maintain rigorous standards for the military education of officers with the joint specialty.

(c) OTHER PROFESSIONAL MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall require that each Department of Defense school concerned with professional military education periodically review and revise its curricula for senior and intermediate grade officers in order to strengthen the focus on—

(1) joint military operations; and

(2) preparing officers for joint duty assignments.

(d) POST-TRAINING DUTY ASSIGNMENTS.—The Secretary shall ensure that—

(1) unless waived by the Secretary in an individual case, each officer with the joint specialty who graduates from a joint professional military school shall be assigned to a joint duty assignment for that officer's next duty assignment; and

(2) a high proportion (which shall be significantly greater than 50 percent) of the other officers graduating from a joint professional military school also receive assignments to a joint duty assignment as their next duty assignment.

(e) OTHER REQUIREMENTS FOR SENIOR OFFICERS.—The Secretary shall take all other practicable measures to improve the training and experience of officers serving in senior joint duty assignments.

§ 664. Length of joint duty assignments

(a) GENERAL RULE.—The length of a joint duty assignment—

(1) for general and flag officers shall be not less than three years; and

(2) for other officers shall be not less than three and one half years.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in any case, but the Secretary shall ensure that the average length of joint duty assignments meets the standards prescribed in that subsection.

(c) CERTAIN OFFICERS WITH CRITICAL COMBAT OPERATIONS SKILLS.—Joint duty assignments of less than the period prescribed by subsection (a), but not less than two years, may be authorized for the purposes of section 661(c)(2) of this title. Any such assignment shall not be counted for the purposes of determining the average length of joint duty assignments under subsection (b).

§ 665. Procedures for monitoring careers of joint officers

(a) PROCEDURES.—(1) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish procedures for overseeing the careers of—

(A) officers with the joint specialty; and

(B) other officers who serve in joint duty assignments.

(2) Such oversight shall include monitoring of the implementation of the career guidelines established under section 661(e) of this title.

(b) ADVICE OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The Chairman of the Joint Chiefs of Staff shall advise the Secretaries of the military departments with respect to duty assignments of—

(1) officers with the joint specialty; and

(2) other officers serving in joint duty assignments.

(c) FUNCTION OF JOINT STAFF.—The Secretary shall take such action as necessary to enhance the capabilities of the Joint Staff so that it can—

(1) monitor the promotions and career assignments of officers with the joint specialty and of other officers who have served in joint duty assignments; and

(2) otherwise advise the Chairman on joint personnel matters.

§ 666. Reserve officers not on the active duty list

The Secretary of Defense shall establish personnel policies emphasizing training and experience in joint matters for reserve officers not on the active-duty list. Such policies shall, to the extent practicable for the reserves components, be similar to the policies provided by this chapter.

§ 667. Annual report to Congress

(a) IN GENERAL.—The Secretary of Defense shall include in the annual report of the Secretary to Congress (in that portion of the report relating to management) the following information:

(1) The number of officers qualifying for the joint specialty and their education and training.

(2) The promotion rate for officers in the joint specialty compared with the promotion rates for officers in the same armed force and at the same competitive category, shown for all officers of the armed force and for officers serving on the headquarters staff of the military department concerned.

(3) The promotion rates of other officers serving in joint duty assignments, compared in the same manner as specified in paragraph (2).

(4) Promotion rates for officers below the zone, shown for officers with the joint specialty and other officers who have served in joint duty assignments, compared in the same manner as specified in paragraph (2).

(5) An analysis of assignments of officers after selection for the joint specialty.

(6) The average length of tours of duty in joint duty assignments—

(A) for general and flag officers, shown separately for assignments to the Joint Staff and other joint duty assignments; and

(B) for other officers, shown separately for assignments to the Joint Staff and other joint duty assignments.

(7) In any case in which the information under paragraphs (2) through (6) shows a significant imbalance between officers serving in joint duty assignments and other officers, a description of what action has been taken (or is planned to be taken) by the Secretary to correct the imbalance.

(8) Any other information or comparative data that shows performance of the Department of Defense and the performance of each military department in carrying out this chapter and section 626a of this title.

(b) ANNUAL REPORT OF THE SECRETARY DEFINED.—In this section, the term "annual report of the Secretary" means the annual report of the Secretary of Defense required by section 133(c) of this title.

§ 668. Definitions

(a) JOINT MATTERS.—In this chapter, the term "joint matters" means matters relating to the integrated employment of land, sea, and air forces, including matters relating to—

(1) national military strategy;

(2) long-range and contingency planning; and

(3) command and control of combat operations under unified command.

(b) JOINT DUTY ASSIGNMENT.—

(1) IN GENERAL—The Secretary of Defense shall by regulation define the term "joint duty assignment" for the purposes of this chapter. That definition shall be limited to assignments in which the officer gains significant experience in joint matters and shall exclude—

(A) assignments for joint training or joint education; and

(B) assignments within an officer's own military department.

(2) PUBLICATION.—The Secretary shall publish a list showing—

(A) the positions that are joint duty assignment positions under such regulation and the number of such positions; and

(B) of the positions listed under subparagraph (A), those that are critical joint duty assignment positions and the number of such positions.

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CHAPTER 47—UNIFORM CODE OF MILITARY JUSTICE

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SUBCHAPTER V—COMPOSITION OF COURTS-MARTIAL

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§ 822. Art. 22. Who may convene general courts-martial

(a) General courts-martial may be convened by—

(1) the President of the United States;

(2) the Secretary of Defense;

(3) the commanding officer of a unified or specified combatant command;

[(2)] *(4)* the Secretary concerned;

[(3)] *(5)* the commanding officer of a Territorial Department, an Army Group, an Army, an Army Corps, a division, a separate brigade, or a corresponding unit of the Army or Marine Corps;

[(4)] *(6)* the commander in chief of a fleet; the commanding officer of a naval station or larger shore activity of the Navy beyond the United States;

[(5)] *(7)* the commanding officer of an air command, an air force, an air division, or a separate wing of the Air Force or Marine Corps;

[(6)] *(8)* any other commanding officer designated by the Secretary concerned; or

[(7)] *(9)* any other commanding officer in any of the armed forces when empowered by the President.

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Subtitle B—Army

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PART I—ORGANIZATION

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CHAPTER 305—THE ARMY STAFF

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§ 3034. Chief of Staff: appointment; duties

(a) * * *

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(d) The Chief of Staff shall—

(1) preside over the Army Staff;

(2) send the plans and recommendations of the Army Staff to the Secretary, and advise him with regard thereto;

(3) after approval of the plans or recommendations of the Army Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) exercise supervision over such of the members and organizations of the Army as the Secretary of the Army determines. Such supervision shall be exercised in a manner consistent with the [full operational command vested in unified or specified combatant commanders under section 124 of this title] *command authority vested in the commanders of unified and specified combatant commands under chapter 6 of this title*;

(5) perform the duties described for him by sections 141 and 171 of this title and other provisions of law; and

(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President.

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Subtitle C—Navy and Marine Corps

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PART I—ORGANIZATION

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CHAPTER 503—DEPARTMENT OF THE NAVY

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§ 5012. United States Navy: composition; functions

(a) The Navy, within the Department of the Navy, includes, in general, naval combat and service forces and such aviation as may be organic therein. The Navy shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea. It is responsible for the preparation of naval forces necessary for the effective prosecution of war except as otherwise assigned and [is generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping], *in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.*

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[(d) The Navy is responsible, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.]

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CHAPTER 509—OFFICE OF THE CHIEF OF NAVAL OPERATIONS

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§ 5081. Chief of Naval Operations: appointment; term of office; powers; duties

(a) * * *

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(c) Under the direction of the Secretary of the Navy, the Chief of Naval Operations shall exercise supervision over such of the members and organizations of the Navy and the Marine Corps as the Secretary of the Navy determines. Such supervision shall be exercised in a manner consistent with the [full operational command vested in unified or specified combatant commanders under section 124 of this title] *command authority vested in the commanders of*

unified and specified combatant commands under chapter 6 of this title.

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CHAPTER 515—COMMANDANT OF THE MARINE CORPS; HEADQUARTERS, MARINE CORPS

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§ 5201. Commandant: appointment; term; emoluments

(a) * * *

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(d) Under the direction of the Secretary of the Navy, the Commandant of the Marine Corps shall exercise supervision over such of the members and organizations of the Marine Corps and Navy as the Secretary of the Navy determines. Such supervision shall be exercised in a manner consistent with the [full operational command vested in unified or specified combatant commanders under section 124 of this title] *command authority vested in the commanders of unified and specified combatant commands under chapter 6 of this title.*

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Subtitle D—Air Force

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PART II—PERSONNEL

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CHAPTER 805—THE AIR STAFF

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§ 8034. Chief of Staff: appointment; duties

(a) * * *

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(d) The Chief of Staff shall—

(1) * * *

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(4) exercise supervision over such of the members and organizations of the Air Force as the Secretary of the Air Force determines. Such supervision shall be exercised in a manner consistent with the [full operational command vested in unified or specified combatant commanders under section 124 of this title] *command authority vested in the commanders of unified*

and specified combatant commands under chapter 6 of this title.

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Section 110 of the Department of Defense Authorization Act, 1983

[PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS

[SEC. 1110. None of the funds appropriated pursuant to an authorization of appropriations in this or any other Act may be used for the purpose of consolidating any of the functions being performed on the date of the enactment of this Act by the Military Traffic Management Command of the Army, the Military Sealift Command of the Navy, or the Military Airlift Command of the Air Force with any function being performed on such date by either or both of the other commands.]

Section 8106 of the Department of Defense Appropriations Act, 1986

[SEC. 8106. None of the funds made available by this Act may be used to alter the command structure for military forces in Alaska.]

SUMMARY

PURPOSE

The purpose of H.R. 4370 is to change the structure of the Department of Defense to strengthen unified and specified commanders, improve joint officer personnel policies, integrate the military department headquarters staffs, and increase the responsiveness of defense agencies.

FISCAL DATA

The Congressional Budget Office expects no significant additional costs if the bill is enacted.

DEPARTMENTAL POSITION

The Department of Defense opposes Title I, except for two provisions, does not object to Title II, and opposes Title III and Title IV.

COMMITTEE POSITION

The Committee on Armed Services on June 25, 1986, a quorum being present, agreed to report H.R. 4370 by a vote of 39–4.